

**TREASURY DEPARTMENT
UNITED STATES PUBLIC HEALTH SERVICE
HUGH S. CUMMING, SURGEON GENERAL**

**STATE PUBLIC HEALTH LAWS
AND REGULATIONS
ADOPTED DURING 1923**

COMPILED BY

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United States Public Health Service

SUPPLEMENT No. 49

TO THE

PUBLIC HEALTH REPORTS



**WASHINGTON
GOVERNMENT PRINTING OFFICE
1925**

UNITED STATES PUBLIC HEALTH SERVICE

HUGH S. CUMMING, *Surgeon General*

DIVISION OF SANITARY REPORTS AND STATISTICS

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THE PUBLIC HEALTH REPORTS are issued weekly by the United States Public Health Service through its Division of Sanitary Reports and Statistics, pursuant to acts of Congress approved February 15, 1893, and August 14, 1912.

They contain: (1) Current information of the prevalence and geographic distribution of preventable diseases in the United States in so far as data are obtainable, and of cholera, plague, smallpox, typhus fever, yellow fever, and other communicable diseases throughout the world. (2) Articles relating to the cause, prevention, or control of disease. (3) Other pertinent information regarding sanitation and the conservation of the public health.

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INTRODUCTION

This volume contains only those State public health laws and regulations which were enacted and adopted during the year 1923. It is one of a series of compilations dating from July 1, 1911. In chronological order the prior compilations are Reprints Nos. 200, 264, 279, 338, and 406, and Supplements Nos. 37, 38, 42, 43, 45, and 47. Reprint No. 200 contains State sanitary laws and regulations enacted and adopted during the period from July 1, 1911, to December 31, 1912. Beginning with the year 1913 (Reprint No. 264) the compilations have been issued annually, and each contains laws and regulations enacted and adopted during a particular calendar year.

NORTHWESTERN

STATE PUBLIC HEALTH LAWS AND REGULATIONS

ADOPTED DURING 1923

ALABAMA

Tuberculosis Commission—Act of 1915 Relating to, Repealed. (No. 577, Act Sept. 29, 1923)

That an act entitled "An act to prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision," approved September 22, 1915, be and the same is hereby repealed.

Maternity Hospitals—Licensing—Reports by—Requirements to be Observed—Child-Placing by—Inspection. (No. 560, Act Sept. 29, 1923)

SECTION 1. That any person who receives for care or treatment during pregnancy or during delivery, or within ten days after delivery, more than one woman within a period of one year, except women related to such person by blood or marriage, shall be deemed to maintain a maternity hospital. The fact that such hospital receives other types of patients shall not operate to except it from the provisions of this act. The word "person" where used in this act shall include individuals, voluntary associations, corporations, partnerships, and municipal or county institutions.

SEC. 2. That the child welfare department may grant a license for the conduct of any maternity hospital that is for the public good and is conducted by a respectable and responsible person and it shall be the duty of the child welfare commission to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this act and all other laws of the State relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality, and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining from the State child welfare department a license to conduct such maternity hospital. No such license shall be issued unless the medical staff of the hospital includes one or more resident nurses and one or more licensed physicians and the premises are in a fit sanitary condition. The license may be granted for a period not exceeding one year, and shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of women that may be treated or cared for therein at any one time. No greater number of women shall be kept at one time than is authorized by the license; and no woman shall be kept in a building or place not designated by the license without the consent of the State child welfare department. A record of every license so issued shall be kept by the State child welfare department, which shall forthwith give notice to the State board of health, and to the board of health of the county in which the licensee resides, of the granting of such license and the term thereof. The State child welfare department may revoke a license so issued when a provision of this act is violated, or when, in the opinion of said department, such hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort or well-being of the inmates or infants born to such inmates.

SEC. 3. That the State child welfare department shall prescribe and furnish forms for the registration, records, and reports of persons cared for in any such hospital.

SEC. 4. That every birth occurring in a maternity hospital shall be attended by a legally qualified physician or a competent nurse. The licensee conducting such hospital shall, within twenty-four hours after an admission of a patient or after a birth occurs therein, in addition to the report required to be filed with the

State registrar of vital statistics, make a written report thereof to the State child-welfare department and county board of health, giving the sex of the child, and such additional information, when obtainable, as the State department may require. The licensee shall immediately after the discharge from, or death in, such maternity hospital of a woman, or of an infant born therein, notify the board of health of the county in which such hospital is located.

SEC. 5. That the officers and agents of the State child-welfare department and the board of health of the county in which a licensed hospital is located may visit and inspect such hospital at least once in every three months. Moreover, the State board of health, through its officers or agents, may also inspect every such hospital when deemed necessary by said board. The licensee shall give all such information to such inspectors and afford them every facility for viewing the premises and seeing the inmates. The said inspectors shall make report of conditions in said hospital, and such report shall be kept by the child-welfare department.

SEC. 6. That no maternity hospital shall engage in the business of child placing, unless licensed for child placing by the child-welfare department. Any child born in any maternity hospital who is illegitimate and whose father is unknown and whose mother is unable to care for such child, or any child who for any reason will be left destitute of support, shall, through proper court proceedings, be committed to the child-welfare department, or to any agency licensed by said department to engage in the business of child placing.

SEC. 7. That on a prosecution under the provisions of this act a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden of proof on that issue.

SEC. 8. That no officer, or agent, or employee of the State child-welfare department, the State board of health, or the board of health of the county where such licensed hospital is located, or any person who has held such position, shall directly or indirectly disclose the contents herein provided for, except upon inquiry before a court of justice, or by order of a court of justice, or upon a coroner's inquest, or for the information of the State child-welfare department, the State board of health, or the board of health of the county in which said hospital is located: *Provided, however,* That nothing herein shall prohibit the State child-welfare department from disclosing such facts to persons having a proper interest in the child or children involved, if, in the judgment of said department, the interests of such child or children will be forwarded thereby.

SEC. 9. That the provisions of this act shall not apply to hospitals except in so far as such provisions concern or apply to babies born out of wedlock, or the mothers of such babies receiving maternity care in such hospitals.

SEC. 10. That every person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$100 or by imprisonment in jail for not more than one year, or by both such fine and imprisonment at the discretion of the court.

SEC. 11. That all laws or parts of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 12. That this act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section or part thereof be held to be unconstitutional it shall not affect the remaining portion thereof. This act shall take effect immediately upon being signed by the governor.

Public Health Work in Counties—State Aid Fund for the Organization and Promotion of. (No. 426, Act Sept. 27, 1923)

SECTION 1. In addition to any and all other appropriations now made or to be hereafter made there is hereby appropriated annually the sum of \$55,000 for the public health work of the State of Alabama, which sum shall be known as the county organization fund and shall be available October 1, 1923; and shall be used as a State aid fund for the organization and the promotion of public health work in the several counties of the State. This fund shall be available to any county whenever such county shall make an appropriation of an adequate sum of money to be approved by the State board of health in an amount necessary to do effective work. All counties which shall be found organized for this work on October 1, 1923, may share in this appropriation from that date. The several counties shall be selected and designated by the State board of health; and the sum of \$2,500 shall be expended in each county designated through the county board of health by the State board of health, or under its direction by its executive officer. Any county failing to comply with the rules prescribed by

the State board of health at any time before or after being organized shall forfeit its right to share in this fund. All of said sums of money having been appropriated shall be paid in monthly installments to the State health officer on his requisition approved by the governor and through warrants by the auditor on the State treasurer.

Agricultural Code—Provisions of, Relating to Food and Drugs, Dairy Products, Imitation Dairy Products, Ice Cream, Sausage, Vinegar, Eggs, and Live Stock as Affecting Public Health. (No. 376, Act Sept. 27, 1923)

ARTICLE 1

DEFINITIONS

SECTION 1. This act shall be known, and when cited or amended, may be designated as the "Agricultural Code of Alabama."

SEC. 2. Definitions—For the purpose of this act the word "person" means an individual, a partnership, a corporation, or two or more individuals having a joint or common interest. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for or employed by any individual, partnership, corporation, or by two or more individuals having a joint or common interest, shall in every case also be deemed to be the act or omission or failure of such individual, partnership, corporation, or of two or more individuals having a joint or common interest. The having in possession, by any person who manufactures, sells, keeps for sale, offers or exposes for sale, serves, distributes or delivers * * * eggs, vinegar, sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, or any article of food or drugs, shall be prima facie evidence of having in possession with intent to sell; except that this shall not apply to any common carrier when said products or articles were received by said carrier for transportation in the ordinary course of its business, and without actual knowledge of the adulteration, misbranding, under standard, grade, weight, or measure claimed. Wherever the words "sell" or "sold" occur in this act, it shall imply the sale, keeping for sale, offer or exposure for sale, having in possession for sale, delivery or distribution in this State of the product or article in question.

* * * * *

ARTICLE 5

FOODS AND DRUGS

SECTION 1. The purposes of this article are to prevent the manufacture, possession, sale, or delivery of adulterated or misbranded food and drugs, and for other purposes. No person within this State shall manufacture for sale therein, have in possession with intent to sell, offer or expose for sale, sell, or deliver any article of food or drugs which is adulterated or misbranded within the meaning of this article.

SEC. 2. The word "article" when referring to food or drugs is used in the broad and comprehensive sense and has reference to the food product or the drug product in question. The term "food" as used herein shall include all articles of food, drink, confectionery, or condiment, whether simple, mixed, or compound, used or intended for use by man or domestic animals. The term "drug" as used herein shall include all medicines and preparations recognized in the U. S. Pharmacopœia or National Formulary for internal or external use and any substance or mixture of substances to be used for the cure, mitigation, or prevention of disease in man or domestic animals. The words "standard of purity or quality" herein used shall refer to and include the standards of purity for food products promulgated and published by the United States Department of Agriculture, except where they conflict with existing statutes of this State, when in such cases the standards provided by the statutes of this State shall govern and be the standards.

Sec. 3. An article shall be deemed to be adulterated: A. In the case of food: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second, if any substance has been substituted wholly or in part for the article. Third, if any valuable constituent of the article has been wholly or in part abstracted. Fourth, if it be mixed, colored, powdered, coated, stained, or otherwise treated in a manner

whereby damage or inferiority is concealed, or in a manner whereby the appearance of said article is improved; provided this shall not apply to the precoloring or processing of fruits where such precoloring or processing does not conceal damage or inferiority. Fifth, if it contain any poisonous or deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this article shall be construed as applying only when said products are ready for consumption. Sixth, if it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. Seventh, if in the course of its preparation of manufacture an ingredient of inferior food value has been substituted in whole or in part for an ingredient of greater food value. Eighth, if it does not conform to the standard of purity or quality established for the article. B. In the case of drugs: First, if, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation. Second, if when an article not recognized by the United States Pharmacopoeia or National Formulary, its strength or purity fall below the professed standard or quality under which it is sold.

Sec. 4. The term "misbranded" as used herein shall apply to all drugs, or foods, or articles which enter into the composition of food, the package or label of which shall bear or contain any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced. That for the purpose of this article an article of food or drugs shall also be deemed to be misbranded. A. In case of food: First, if it be offered for sale under the name of another article. Second, if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package. Third, if in package form, the name of the article, together with the quantity of the contents in terms or [of] weight, measure, or numerical count and the name and principal address of the manufacturer or other person responsible for placing the article on the market, be not plainly and conspicuously marked on the outside of the package. Fourth, if in package form, the package be not filled with the food it purports to contain, within the limits of tolerance fixed by the State board of agriculture, irrespective of whether the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Fifth, if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. Sixth, if in bulk, it be colored so as to deceive or mislead the purchaser. Seventh, if it be offered for sale under false representations. Eighth, if it be an imitation of another article and it be not marked with the word "imitation," followed without intervening descriptive matter by a list of the ingredients contained therein. Ninth, if it be a compound for which no standard of purity or quality has been established, it be not labeled with the word "compound" followed without intervening descriptive matter by a list of the ingredients: *Provided*, That in the case of a compound which may be now, or from time to time hereafter, known as an article of food under its own distinctive name, and not an imitation of or offered for sale under the name of another article, it shall not be deemed to be misbranded, if the name of the article be accompanied on the same label or brand with a statement of the place where such article was manufactured or produced. B. In the case of drugs: First, if it be an imitation of or offered for sale under the name of another article. Second, if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol or any narcotic or habit-forming drug, together with a statement that such drug is narcotic or habit forming, as the case may

be. Third, if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent.

SEC. 5. It shall be the duty of the State board of agriculture, with the assistance of the State chemist, to fix the standards of purity for all food and drug products, in accordance with those promulgated by the Secretary of Agriculture, the Secretary of the Treasury, and the Secretary of Commerce and Labor of the United States, when such standards have been published; and when not yet adopted they shall fix such standards.

SEC. 6. Any person, firm, or corporation violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than \$10 nor more than \$50, or imprisoned in the county jail not exceeding 30 days.

SEC. 7. No dealer shall be prosecuted under the provisions of this article when he can establish a bona fide guaranty signed by the wholesaler, jobber, or manufacturer within the United States, from whom he purchased such articles, that they are not adulterated or misbranded within the meaning of this article, designating it, and that he has no knowledge of such adulteration or misbranding at the time they were purchased. Such guaranty shall contain the name and address of the vendor, who shall, if a resident of this State, be amenable to the prosecutions, fines, and other penalties to which the purchaser would otherwise be amenable.

SEC. 8. The commissioner of agriculture and industries shall enforce or cause to be enforced the provisions of this article, and such rules and regulations as are promulgated by the State board of agriculture for its prompt and effective enforcement, and shall make or cause to be made all necessary examinations.

SEC. 9. Samples of articles of foods or drugs drawn by the commissioner of agriculture and industries or his authorized agents shall be sealed by himself or his agents and shall be delivered to the department for analysis. One sample shall be preserved, when practicable, in the laboratory of the department and shall be delivered to the person from whom it was taken or to his agent or attorney upon application. Any person who shall hinder or obstruct any authorized agent of this department by refusing to allow entrance into any place of business for the purpose of carrying out the provisions of this article, or by refusing to deliver samples as herein provided, when same are requested and value tendered, is hereby declared to be guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than \$50 and not more than \$100.

ARTICLE 6

DAIRY PRODUCTS, UTENSILS, MEASURING DEVICES, AND TESTING APPARATUS

SECTION 1. The term "milk," within the meaning of this article, is fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 10 days before and 5 days after calving, and contains not less than 8.5 per cent of solids not fat, and not less than $3\frac{1}{4}$ per cent of milk fat, and not less than 11.75 per cent of total solids; and that the term "cream," within the meaning of this article, is that portion of milk rich in milk fats, which rises to the surface of milk standing or is separated from it by centrifugal force, is fresh and clean and contains not less than 18 per cent of milk (butter) fat. Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which contains a small portion of the milk constituents, with or without salt or added coloring matter, and contains not less than 80 per cent of milk fat nor 16 per cent or more of moisture content.

SEC. 2. No person shall sell any adulterated milk or cream, or any milk or cream having therein any foreign substance or coloring matter, or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance, or for the purpose of preserving the condition or sweetness thereof, or for any other purpose whatsoever.

SEC. 3. No person himself or by his servant or agent shall for the purpose of sale or exchange, add any fat or oil other than milk fat to, or blend or compound the same with, any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, nor shall any person himself or by his servant or agent sell any milk, cream, or skimmed milk in any of the aforesaid forms to which has been added or with which has been blended or compounded any fat or oil other than milk fat.

SEC. 4. All premises and utensils used in the handling of milk or cream and the by-products of same, and all premises and utensils used in the preparation, manufacture, or sale of any food product, for man, from milk or cream, or by-products of same, which shall be kept in an unclean, filthy, or noxious condition are hereby declared to be insanitary.

SEC. 5. Any person within the State who receives in cans, bottles, or other vessels any milk or cream, ice cream or other dairy products intended for human food, when such vessels are to be returned, shall cause the said cans, bottles, or other vessels to be thoroughly washed and cleaned before returning. The said cans, bottles, or other vessels, after being thoroughly washed and cleaned, shall be returned to, or delivered to, the express company or other company, concern or person, for return, within seven days after the receipt of same.

SEC. 6. It shall be unlawful for any person engaged in the business of handling or selling milk or cream, or by-product of the same, or in the preparation, manufacture, or sale of any food products, for man, from milk or cream, or by-product of the same, to maintain his premises or utensils in an unsanitary condition, or to knowingly sell milk or cream drawn from sick or diseased cows, or cows kept in an unsanitary place or cows fed on unwholesome feeds or slops.

SEC. 7. Every cream station, receiving station, shipping station, creamery, cheese factory, ice-cream factory or condensory, or any person buying or paying for milk or cream on the basis of the butter-fat contained therein, shall be required to procure and have a State license, such license to be issued by the commissioner of agriculture and industries upon the applicant therefor complying with the rules and regulations adopted by the State board of agriculture, and upon the payment of a license fee of \$1. The license so issued, unless it be revoked, shall be valid until the next succeeding January 1. Any license issued under the provisions of this section may be, with the approval of the State board of agriculture, revoked by the commissioner of agriculture and industries upon proof being made, or submitted, to the commissioner of agriculture and industries, that the licensee's plant or premises is in an unsanitary condition, after five days' notice being given in writing to the licensee thereof, by the commissioner of agriculture and industries, or by his duly authorized agent, or after such notice having been given the agent of licensee in charge of such place or premises; or such license may be revoked by the commissioner of agriculture and industries for the repeated nonobservance by the licensee of any of the provisions of this article. If after the revocation of a license, the former holder of such license shall comply with the requirements of the provisions of this article, and shall make manifest his intention to observe them in the future, the commissioner of agriculture and industries with the approval of the State board of agriculture must issue to him another license upon his paying the requisite fee therefor.

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SEC. 10. For the purpose of this article, ice cream is hereby defined and standardized: First, ice cream is the frozen compound, varied as to kind and proportion of ingredients, within the limit established by custom and usage. Second, ice cream consists chiefly of a sweetened and flavored mixture of cream, or milk and cream, or milk with or without added milk fat in the form of sound sweet butter, or as contained in condensed, evaporated, or concentrated milk or in milk powder and with or without added milk solids not fat and in the form of skimmed milk powder or as contained in milk powder or in condensed, evaporated, or concentrated skimmed milk or of sweetened and flavored homogenized or emulsified mixture of sound sweet butter, milk powder, or skimmed milk powder and water, with the addition of gelatine, vegetable gums, or other wholesome stabilizer. Third, standard ice cream contains not less than 8 per cent butter fat and the total content of solids* shall be not less than 31 per cent except that when the ingredients of standard ice cream include eggs, fruit, or fruit juices, cake, confection, cocoa, or chocolate or nuts, such reduction of the percentage of butter fat as may be due to the addition of such ingredients shall be allowed, provided such milk fat content is not less than 6 per cent. For the purpose of this article, ice cream shall be deemed to be adulterated: First, if in quantity [quality] or grade it is lower than the professed standard of quality or grade under which it is sold or offered for sale. Second, if it contains any poisonous or other deleterious ingredients which may render such ice cream injurious to health. Third, if it contains any rancid or renovated or process butter or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts, and the fat or oils of substances used for flavoring. Fourth, if it contains in whole or in part any filthy or decomposed substances which may render such ice cream injurious to

health. Fifth, if it contains less weight per unit volume than the standards promulgated from time to time by the State board of agriculture. For the purpose of this article ice cream shall be deemed to be misbranded: First, if the label, brand, tag, or notice under which it is sold is false or misleading in any particular as to the kind, grade or quality, or composition of such ice cream. Second, if it is sold as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag, or notice under which it is sold there is any false statement concerning the sanitary conditions under which it is manufactured.

SEC. 11. No person shall hereafter, without the consent of the owner, use, sell, dispose of, buy, or traffic in any milk can, jar, or bottle, or cream can, jar, or bottle, or tub or willfully mar, erase, or change by re-marking or otherwise any name or initials of any such owner so stamped, marked, or fastened upon such can, jar, bottle, or tub; nor shall any person, without the consent of the owner, place in any can, jar, or bottle or tub any substance or product other than milk or cream.

SEC. 14. The State board of agriculture shall make such reasonable rules and regulations as may be deemed necessary for the protection and development of all dairy interests in Alabama: *Provided*, That such rules and regulations shall not go into effect until after all State dairying (creamery, ice cream, etc.) associations have been given due notice and a reasonable time and opportunity to be heard before the said board on them, and provided that such rules and regulations shall not invade the domain of public health laws or ordinances nor restrict the powers of the State board of health, nor local boards of health.

SEC. 15. Any person violating any provisions of this article shall be guilty of a misdemeanor, and on conviction shall, unless otherwise provided, be fined not more than \$50 for each offense, and may be confined in the county jail for not more than 30 days.

ARTICLE 7

IMITATION BUTTER, IMITATION CHEESE, AND RENOVATED BUTTER

SECTION 1. Every article, substitute, or compound, save that produced from pure milk or cream from milk cows, made in the semblance of or design[ed] to be used for and in the place of butter, is imitation butter; and every article, substitute, or compound, save that produced from pure milk or cream from milk of cows, made in the semblance of or design[ed] to be used for and in place of cheese, is imitation cheese. No person shall manufacture, sell, solicit, or take orders for delivery, ship, consign, or forward by any common carrier, public or private, and no common carrier shall knowingly receive or transport, any such imitation butter or cheese except in the manner and subject to the regulations provided in this article.

SEC. 2. A substitute for butter and cheese, not having a yellow color nor colored in imitation of butter and cheese as prohibited in this article, may be manufactured, sold, shipped, consigned or forwarded by common carriers, public or private, if each tub, firkin, box or other package in which the same is kept, sold, shipped, consigned, or forwarded shall have branded, stamped, or marked on the side or top thereof in the English language in a durable manner in [sic] the words "substitute for butter" or "substitute for cheese," as the case may be, the letters of the words to be not less than one inch in length by one-half inch in width. The defacing, erasure, canceling, or removal of this brand or mark with intent to mislead, deceive, or violate any section of this article is prohibited. Substitute for butter or cheese may be kept, used or served as a food or for cooking in hotels, restaurants, lunch counters, boarding houses, or other places of public entertainment only in case the proprietor or persons in charge of such place shall display and keep constantly posted a card opposite each table or other place where the guests or others are served with the same, which card shall be white, at least 10 by 14 inches in size, the words "substitute for butter used here" or "substitute for cheese used here," as the case may be, printed in black roman letters of the same size as herein required to be placed upon the tubs, firkins, boxes, or other packages in which substitute for butter or cheese is kept, and no other words or figures shall be printed thereon. No substitute for butter or cheese shall be offered for sale in the manufacturers' original package under the name of or for true butter or cheese made from the milk or cream of cows, nor shall any substitute for butter or cheese be offered for sale or sold unless the purchaser at the time was informed thereof, and, in addition, furnished with a printed statement in the English language in prominent type that the substance sold is such sub-

stitute, and giving the name and place of business of the maker. Nothing herein contained, however, shall be so construed [construed] as to prohibit the transportation of imitation butter or cheese through and across the State.

SEC. 3. No person shall have in his possession or under his control any substance designed as a substitute for butter or cheese, unless the tub, firkin, box, or package holding the same is branded or marked as required in this article. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy" or the name or representation of any breed of dairy cattle, or any combination of such word or words and representations, or any other words or symbols or combination thereof commonly used in the sale of butter.

SEC. 4. No person shall sell, in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture or that produced by any process that is commonly known as boiled, process, or renovated butter, unless the words "renovated butter" shall be plainly branded with gothic or bold-faced letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case, or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing the labels so printed shall be attached to the mass of butter in such manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

SEC. 5 The commissioner of agriculture and industries and his duly authorized agents shall be charged with the proper enforcement of all the provisions of this article, and any necessary rules and regulations adopted by the State board of agriculture.

SEC. 6. Any person who violates any provisions of this article shall be deemed guilty of a misdemeanor and shall for each offense, upon conviction thereof, be subject to a fine of not less than \$50, nor more than \$100, or of imprisonment in the county jail for any period not to exceed six months.

ARTICLE 8

SAUSAGE

SECTION 1. It shall be unlawful for any person to sell sausage that is adulterated within the meaning of this article. Sausage when used in this article shall be deemed to include Bologna, Wienewurst, and Frankforts.

SEC. 2. For the purpose of this article sausage or sausage meat shall be held to be comminuted meat from meat of cattle or swine, or a mixture of such meats, either fresh, salted, pickled, or smoked, with added salt and spices, and with or without the addition of edible animal fat, blood, and sugar, or subsequent smoking. It shall contain no larger amount of water than the meats from which it is prepared contain when in their fresh condition.

SEC. 3. For the purpose of this article sausage shall be deemed to be adulterated: First, if it contains added water in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter. Second, if it contains any cereal or vegetable flour. Third, if it contain any coal-tar, dye, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substances injurious or deleterious to health. Fourth, if it contains any diseased, contaminated, filthy, or decomposed substance or is manufactured, in whole or in part from a diseased, contaminated, filthy or decomposed substance, or a substance produced, stored, transported, or kept in a way or manner that would render the article diseased, contaminated, or unwholesome; or if it is any product of a diseased animal, or the product of any animal which has died otherwise than by slaughter. Nothing in this article shall be construed prohibiting the sale of sausage which when properly labeled shall conform to the following standard: Sausage shall not contain cereal in excess of 2 per cent. When cereal is added its presence shall be noted on the label or on the produce. That water or ice shall not be added to it except for the purpose of facilitating grinding, chopping, and mixing, in which case the added water or ice shall not exceed 3 per cent except as provided in the following paragraph: Sausage of the class which are cooked or smoked, such as Frankfort style, Vienna

style, and Bologna style, may contain added water in excess of 3 per cent, but not in excess of amount sufficient to make the sausage palatable. When water in excess of 3 per cent is added to this class of sausage, the statement "sausage, water and cereal" shall appear on the label or on the product, but when no cereal is added, the addition of water need not be stated.

SEC. 4. Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than \$50, nor more than \$200, or to undergo an imprisonment of not less than thirty days, nor more than sixty days, or both or either, in the discretion of the court.

SEC. 5. The commissioner of agriculture and industries shall be charged with the enforcement of the provisions of this article, and with the execution of any necessary regulations adopted by the State board of agriculture for its enforcement.

ARTICLE 9

VINEGAR

SECTION 1. All vinegar made by fermentation without distillation must carry in solution the extractive matter derived exclusively from the fruit, grain, sugar, or sirup from which it was derived and fermented, and comply with the following definitions: The terms "cider vinegar" and "apple vinegar," or words of similar import, shall be construed to mean the product made exclusively from the expressed juice of apples by alcoholic and subsequent acetous fermentations. The terms "wine vinegar" and "grape vinegar," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the expressed juice of grapes. The terms "malt vinegar," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of an infusion of barley malt or cereals whose starch has been converted by malt. The term "sugar vinegar," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solution of sugar, sirup, molasses, or refiners' sirup. The terms "glucose vinegar" or "corn sugar vinegar," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solutions of corn sugar or glucose prepared from cornstarch. The term "spirit vinegar," "distilled vinegar" or "grain vinegar," or words of similar import, shall be construed to mean the product made by the acetous fermentation of dilute distilled alcohol derived from grain. The term "evaporated apple products vinegar" or "vinegar made from evaporated apple products," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the aqueous extract obtained from clean, sound, unfermented dried chopped apples or dried apple skins or cores.

SEC. 2. Vinegar which fails to comply with such definitions or which contains any substance or ingredient not derived exclusively from the fruit, grain, sugar, or sirup from which it shall so be made, or which contains less than 4 grams of acetic acid in 100 cubic centimeters of the vinegar at 20° centigrade shall be deemed adulterated.

SEC. 3. The product made by the destructive distillation of wood known as pyroligneous acid, or acetic acid derived from other sources than fruit, grain, sugar, or sirups, shall not be sold as vinegar or in any mixture of vinegars or compound vinegar.

SEC. 4. Mixtures of two or more of the foregoing vinegars are "compounds" and packages containing the same shall be plainly marked with the word "compound" together with the proportions of the vinegar so mixed, in addition to the other requirements hereof. No such compound shall be made in imitation of any other kind of vinegar or be sold in Alabama.

SEC. 5. Packages containing vinegar which has been reduced with water must be plainly marked "reduced to — per cent acid strength," indicating the acidity to which it has been reduced.

SEC. 6. Every manufacturer, producer, or distributor of vinegar shall plainly mark each cask, barrel, or other container of such vinegar with his name and place of business, the kind of vinegar therein contained, in the terms above defined, and no person shall falsely mark any package containing any vinegar so defined with any other brand or designation or with any additional words, marks, or description which shall be false or deceptive in any particular whatever.

Every person who sells any vinegar except it be delivered to the purchaser in the unbroken package of the manufacturer or distributor shall plainly and conspicuously mark the receptacle or container in which such vinegar is delivered to the purchaser, whether such receptacle or container be furnished by the seller or purchaser, with the kind of vinegar so delivered.

SEC. 7. No person shall manufacture, or sell, in this State: 1. Any vinegar so defined which does not comply with such definitions. 2. Any adulterated or misbranded vinegar. 3. Any vinegar or product in imitation of any vinegar so defined. 4. Any vinegar to which any artificial coloring matter has been added of any kind whatever, or which contains any substance or ingredient not derived directly from the fruit, grain, sugar, or sirup from which it purports to have been made.

SEC. 8. The commissioner of agriculture and industries shall enforce the provisions of this article. He shall also sample or cause to be sampled vinegars, sold in Alabama, under appropriate rules and regulations adopted by the State board of agriculture.

SEC. 9. Violation of this article shall be a misdemeanor and punished by a fine of not less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for all subsequent offenses.

ARTICLE 10

EGGS

SECTION 1. No person shall sell any egg unfit for human food, unless the same is broken in shell and then denatured so that it can not be used for human food. For the purposes of this article an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white, or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed, or putrid substance.

SEC. 2. No person shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 1 of this article than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the State board of agriculture. All such records shall be open at all reasonable times for examination by the commissioner of agriculture and industries or his agent. Every person engaged in the business of buying eggs in this State for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

SEC. 3. There shall be placed in the top layer of every case of candled eggs, by the person candling same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{1}{2}$ by $4\frac{1}{4}$ inches, and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials, or number of the person candling the eggs, and the name of the State and the license number of the persons, firm, or corporation for which the eggs were candled. Such certificate shall be in the following words and form:

"The eggs in this case were candled by (signature of person candling the eggs). (Date). License No. _____. (Address). Ala."

SEC. 4. The legal weight standard of eggs in the State of Alabama shall be as follows: Extras; No. 1, No. 2, and No. 3. Extras must weigh over 26 ounces per dozen net. No. 1 must weigh 24-26 ounces per dozen net. No. 2 must weigh 20-24 ounces per dozen net. No. 3, those eggs that weigh less than 20 ounces per dozen net. When eggs are sold on the basis of the legal weight standard, the retail price will be quoted as of grade No. 1. If other than grade No. 1, proper adjustment must be made.

SEC. 5. *Definition of terms.*—Unless the context otherwise requires, words and phrases employed in this article shall have the meaning hereinafter defined. (a) The term "eggs" or "fresh eggs" shall be used only for eggs that are sound, sweet, clear, and full (not more than $2\frac{1}{16}$ milligrams of ammonia per 100 grams of eggs), and which have not been held for more than fourteen days after having been dropped from the hen. (b) The term "cold-storage eggs" shall be used on all eggs which have been held in cold storage for a period exceeding thirty days. They shall be sound, sweet, clean, and reasonably full, and shall contain not to exceed 4 milligrams of ammonia per 100 grams of egg. (c) "Preserved"

eggs mean all eggs in which the natural deterioration has been prevented or retarded by any means, process, or treatment whatsoever. (d) "Yolk stuck to the shell" means an egg in which the yolk has settled to one side and become fastened to the shell. (e) "Heavy blood rings" means an egg in which the germ has developed to such an extent that blood has formed, and when this development stops the blood collects in a ring on the inside of the shell. (f) "Partly hatched" eggs means eggs in which the germ has developed to such an extent that the outline of the embryo chick can be detected. (g) "Moldy" eggs means eggs which through improper care have deteriorated so that mold spores have formed within the egg. Such eggs when broken usually have a moldy or musty smell. (h) "Black spots" mean eggs in which mold or bacteria have developed in isolated areas inside the shell. (i) "Black rots" means eggs which have deteriorated to such an extent that the whole interior presents a dark appearance. (j) "A container" means any standard egg case, carton, can, basket, box, bag, or any other receptacle in which eggs are handled. (k) The term "candle" means the determination of the condition of any egg by holding it before a strong light in such a way that the rays of light will shine through the egg and reveal its contents to the operator.

SEC. 6. *Cold-storage and preserved eggs.*—No person, firm, or corporation, by himself or his agents, shall sell, agree to sell, or advertise for sale any cold-storage or preserved eggs without making it known to the purchaser or prospective purchaser that the eggs are cold-storage or preserved eggs, and all boxes or other receptacles in which cold-storage or preserved eggs are displayed for sale, sold, or delivered, in wholesale or retail, shall be marked or lettered in a conspicuous manner with the words "cold-storage eggs" or "preserved eggs."

SEC. 7. For the purpose of enforcing the provisions of this article, it is hereby required that thirty days after this article takes effect, and on or before the 1st day of April annually thereafter, no person shall engage in the business of buying, selling, dealing in, or trading in eggs, except those retailers who buy direct from licensees only and who do not sell in lots greater than 1 case, without first obtaining from the commissioner of agriculture and industries license to conduct such business. Said commissioner, upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license of \$1, shall thereupon issue to such person an annual license to engage in such business: *Provided*, That any person operating more than one place of business where eggs are bought shall procure a license for each such place of business. All such licenses shall expire at the close of business on March 31 of each year.

SEC. 8. The commissioner of agriculture and industries shall enforce the provisions of this article and all suitable standards, definitions, rules, and regulations for carrying out its provisions as are adopted by the State board of agriculture. He shall determine the conditions under which eggs previously candled shall be recandled before sale, in order to safeguard the purchaser against buying such eggs as are unfit for human food which may be contained in such lot.

SEC. 9. Any person failing to comply with the requirements of or violating any of the provisions of this article shall be guilty of a misdemeanor, and shall, upon conviction for the first offense, be fined not less than \$10 nor more than \$50. For any subsequent offense his license may be suspended or revoked, at the discretion of the commissioner of agriculture and industries. Should any person be convicted of buying or trading in eggs during the time of the suspension of his license as specified in a written order by said commissioner or his agent or after the date on which his license was ordered to be revoked, the offender shall be punished by a fine of \$100 for each offense.

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ARTICLE 21

SUSPENSION FROM SALE, SEIZURE BY WRIT OF ATTACHMENT, AND AUTHORITY TO COLLECT AND TO ANALYZE SAMPLES

SECTION 1. That if at any time the commissioner of agriculture and industries or his duly authorized agent, shall have reason to believe that any products or articles mentioned in section 2 of this article, which are offered or exposed for sale in this State, do not comply with the requirements of this act as to ingredients, substances, analysis, weights, or measure of the same, it shall be his duty by written order to suspend the sale of the same until he shall have satisfied himself, or shall be satisfied by an analysis, or otherwise, that such article or product is made up or compounded as required by this act. If he shall find

that the same does not comply with any article or provision of this act, then he is authorized to proceed with regard to the same as provided in section 2 of this article.

Sec. 2. Any * * * eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any article of food or drug which is adulterated, misbranded, or under standard, grade, weight, or measure claimed within the meaning of any article or provision of this act, and which is manufactured for sale, held in possession with intent to sell, offered or exposed for sale, or sold or delivered within this State, shall be liable to be proceeded against in the circuit court of the county where the same is found, and seized for confiscation by writ of attachment for condemnation. Such writ shall issue upon the sworn complaint of the commissioner of agriculture and industries or his duly authorized agent, taken by an officer authorized to administer an oath to the effect that such article or product is adulterated or misbranded or is under standard, grade, weight, or measure claimed, as the case may be, within the meaning of this act. The said sworn complaint of said commissioner of agriculture and industries or his duly authorized agent may be amended at any stage of the proceedings. Said writ shall be returnable in five days to the court issuing the writ; such court shall hear and decide whether the allegations of the complaint are true and whether said article or product shall be condemned and confiscated. Such hearing shall not be had until five days' notice of the date thereof shall have been served on the owner, his agent, or any other party having an interest in the same, except in cases defined in subhead (a). Service of a copy of the writ of attachment showing the returns of the attaching officer shall be sufficient notice for the purposes of this section. Such writ may be executed by the commissioner of agriculture and industries, his duly authorized agent, or by any sheriff or constable in the State. Upon the seizure of the article or product described in the affidavit, it shall be the duty of the officer or person executing the writ to return same to the circuit court, with his return thereon, and within five days after its return, the court shall make up an issue between the State as plaintiff and the property seized as defendant. (a) In the event that the owner or his agent can not be found in this State, then said service may be perfected by posting a copy of the writ in a conspicuous place upon the premises where the goods were found and seized, and by mailing a copy thereof by registered mail to the owner, or his agent, to his last known address, and this shall be deemed to be sufficient service of the notice required by this section. If upon the return day of such writ of attachment, the owner of the article or product, his agent or other party having an interest in same thus notified fails to appear and show cause why said goods should not be condemned, judgment of condemnation and confiscation shall, upon such default, be rendered by the court on the basis of said complaint. If such owner or agent or other party having an interest in such article or product shall on or before the return day of the writ of attachment, or upon such other day as the court upon application of such party may determine, shall file an answer upon oath denying the allegations of adulteration, misbranding, or under standard, grade, weight, or measure, as the case may be, in said complaint, the issue thus raised may be determined by the court after hearing all the evidence offered by or on behalf of all the parties to the proceedings. Any such party may demand a jury trial of any issue of fact to be determined in the proceedings instituted hereunder, and in case a jury trial is demanded, the judgment rendered by the court shall be in accordance with the facts as found by such jury: *Provided, however,* That the verdict of the jury may be set aside by the court where manifestly contrary to the evidence or law. If a judgment of condemnation and confiscation is rendered against such article or product as being adulterated, misbranded, or under standard, grade, weight, or measure, within the meaning of this act, the same shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of this State, but such goods shall not be sold contrary to the provisions of this act: *Provided, however,* That upon the payment of the costs of such attachment proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this act, the court may by order direct that such article or product shall be delivered to the owner thereof.

Sec. 3. If it shall appear from examination or analyses of * * * eggs, vinegar, sausage, milk, cream, ice cream, or other dairy products, imitation butter and cheese, or any articles of food or drugs that any of the provisions of this

act have been violated, the commissioner of agriculture and industries shall certify or cause to be certified the facts to the county or State solicitor, with a copy of the results of the analysis or examination, and said county or State solicitor upon receipt of this information, shall cause appropriate proceedings to be instituted in the proper court, for the imposition of fines and penalties herein provided.

SEC. 4. The professor of agricultural chemistry of the Alabama Polytechnic Institute shall be the official chemist of the department, and exofficio State chemist. On the application of the commissioner of agriculture and industries, he shall analyze or cause to be analyzed and certify the analyses of all samples of * * * eggs, vinegar, sausage, milk, cream, ice cream, or other dairy products, imitation butter and cheese, or any article of food or drugs which are furnished him in the manner prescribed by law. The analysis reports of such samples shall be made to the commissioner of agriculture and industries with the least possible delay. He shall also, at the request of the commissioner, make or cause to be made investigations and reports on such matters as may be deemed of interest to the department. He may, when necessary, deputize the ranking member of the staff of the chemical laboratory of which he has charge to report and sign analyses and to make reports upon such matters as the chemist may refer to him. He may deputize the ranking professor of pharmacy to analyze and report on samples of drugs, * * *.

SEC. 5. The State chemist shall test or analyze and promptly report on all samples of * * * eggs, vinegar, sausage, milk, cream, ice cream, or other dairy products, imitation butter and cheese, bleached flour, or any article of food, drugs or other products, submitted by the commissioner of agriculture and industries for analysis, and to perform other services for the department of agriculture and industries, as required by law.

SEC. 6. A certificate of analysis or examination by the State chemist or the ranking assistant to the State chemist in the work of the chemical laboratory, when properly verified by affidavit, shall be admissible and shall be prima facie evidence of the facts therein stated in any of the courts of this State, on the trial of any issue involving the merits, and the quality of the bulk from which the sample was taken shall prima facie, be presumed to be the same, as the quality of the sample as shown by the analysis or examination.

SEC. 7. The commissioner of agriculture and industries is authorized in person or by deputy or by his agents to have free access to all premises, places of business, milk, buildings, carriages, cars, vessels, parcels of whatsoever kind used in the manufacture, transportation, importation, sale, or storage of any * * * eggs, vinegar, sausage, milk, cream, ice cream, or other dairy products and containers, thereof, imitation butter and cheese, or any article of food or drugs, and shall have the power and authority to examine or inspect said article or product or to open any parcel, package, bag, vessel, or other receptacle containing, or supposed to contain, any of said products or articles, and upon paying or offering to pay full value of said sample, to take therefrom in the manner prescribed in this act, samples for analysis. The commissioner of agriculture and industries is also authorized to publish, from time to time, in reports or bulletins, results or analyses of samples, together with copies of the laws and such additional information as may be of interest to the public.

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ARTICLE 37

LIVESTOCK, POWERS OF STATE BOARD OF AGRICULTURE RELATING THERETO

SECTION 1. The powers and duties of the livestock sanitary board, as established and provided for by chapter 22, article 4, of the Code of 1907, and as subsequently amended, and transferred by article 4 of this act to the State board of agriculture, created by article 2, section 2 of this act and the provisions thereof, are hereby revised and amended to read as hereinafter provided in this article.

SEC. 2. The State board of agriculture shall have full power to make or enact such rules and regulations as may be deemed necessary for governing the movement, transportation, or disposition of livestock that may be quarantined as hereinafter provided on account of being affected with, or exposed to, a contagious, or communicable disease, or on account of being infected or infested

with the carrier or carriers of the cause of a contagious, infectious or communicable disease of livestock. The rules and regulations purporting to be published by authority of the State board of agriculture in book or pamphlet form, shall be received as evidence of the passage and legal publication of such rules and regulations as of the date mentioned or provided for therein, in all courts and places without further proof. A copy of said rules and regulations shall be furnished by the commissioner of agriculture and industries to all probate judges immediately after their adoption by the State board of agriculture.

SEC. 3. The State board of agriculture may make rules and regulations governing the manufacture, sale, distribution, handling and keeping and use of all veterinary, biological products and serums and also the disposal of dead carcasses, infectious, and toxic meats and feeds.

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SEC. 6. The State veterinarian, or an assistant veterinarian, or State livestock inspector, shall quarantine a stall, lot, yard, pasture, field, town, city, township, county, or any part of the State of Alabama, when he shall determine the fact that livestock in such place or places are infected with a contagious, infectious, or communicable disease, or when said livestock are infested, or infected with the carrier or carriers, of a contagious, infectious or communicable disease. The State veterinarian, or an assistant veterinarian, or livestock inspector, shall issue written or printed notice of the establishment of said quarantine to the owners or keepers of said livestock, and to any officer or agent of a railroad, steamboat, truck, or other transportation companies doing business in or through the quarantined part or parts of the State, which notice must be executed by the State veterinarian, or assistant veterinarian, or by any livestock inspector, by leaving a copy of said notice with the owners or keepers of said livestock, and with any officer or agent of a railroad, steamboat, truck, or other transportation company doing business in or through the quarantined part or parts of the State, and shall return the fact of such service on the original notice. Said original notice and return thereof shall be received as evidence of its legal service thereof on the dates mentioned therein in all courts, proceedings, and places without further proof.

SEC. 7. No railroad company, or the owners or masters of any steam or other vessel or boat, or other transportation company, shall receive for transportation or shall transport livestock from any quarantined district into any other part of Alabama, except as hereinafter provided. No person, company, or corporation shall deliver livestock for transportation to any railroad company or sailing or steam vessel or boat, or other transportation company, in a quarantined district of Alabama, except as hereinafter provided. No person, company, or corporation shall drive or cause to be driven livestock on foot, or transport livestock in a private conveyance, or cause livestock to be transported in a private conveyance from a quarantined district to a nonquarantined part of Alabama, except as hereinafter provided. Livestock may be moved within the limits of a quarantined district or from a quarantined district in Alabama only under and in compliance with the rules and regulations of the State board of agriculture. It shall be unlawful to move or allow to be moved any livestock from one place to another within the limits of a quarantined district or from a quarantined to a nonquarantined district of Alabama, in any other manner or method, or under any conditions other than prescribed by the rules and regulations of the State board of agriculture.

SEC. 8. All livestock when brought into Alabama by a person, company, or corporation, railroad or other transportation companies, shall be accompanied by a certificate of health, and said certificate shall state that said animal or animals are free from contagious, infectious, or communicable disease, and the carrier or carriers, of the cause or causes of such diseases. This certificate must be made by a qualified veterinarian immediately after he has personally examined the livestock and before the livestock have been shipped into Alabama. This certificate shall be attached to, and accompany, the shipping bill of the livestock to the place to which the livestock are shipped, and the owner of the livestock, or agent of the transportation company shall mail or send said certificate to the State veterinarian immediately following the arrival of the livestock at its place of destination. The State veterinarian shall furnish qualified veterinarians with blank health certificates at actual cost.

SEC. 9. Owners, renters, or parties in possession of quarantined livestock or quarantined places shall follow the directions in the rules and regulations of the State board of agriculture in cleansing and disinfecting infected livestock and infested or infected quarantined places, and in destroying the carriers of the

cause of a contagious, infectious, or communicable disease, the infested or infected livestock and quarantined places. Said cleaning of said livestock and the disinfecting of said places, and destroying of said carriers, shall be done by the owners or the persons in possession of the infected or infested livestock and places, in a reasonable time after receiving a written or printed notice from the State veterinarian and assistant State veterinarian or a livestock inspector.

SEC. 10. The State veterinarian, the assistant State veterinarian, and the State livestock inspectors may enter upon the premises or into any barns or other buildings where livestock are kept or found in the State of Alabama in the discharge of the duties prescribed in this article. No person or persons shall assault, resist, oppose, prevent, impede, or interfere with the State veterinarian, an assistant State veterinarian, or a State livestock inspector in the execution of his or their duties, or on account of the execution of his or their duties.

SEC. 11. The work of suppression or eradication of any infectious, contagious, or communicable disease of livestock shall be taken up under the provisions of this article in any county or any part of a county or any part of the State of Alabama, when the State board of agriculture deem it best. The county commissioners of any county in which the State or Federal authorities take up the work of tick eradication or the suppression of any infectious, contagious, or communicable disease of livestock, may appropriate for aiding in such work such sums as the county commissioners may deem adequate and necessary.

SEC. 12. The State board of agriculture may appoint or elect the Federal veterinarians and livestock inspectors who are doing work in Alabama as assistant State veterinarians and State livestock inspectors, provided they consent to act without pay from the State of Alabama.

SEC. 13. The judges of the circuit courts shall give the preceding sections in special charge to each grand jury impaneled in this State, and such grand jury shall be clothed with, and authorized to, exercise inquisitorial powers for the carrying out and enforcement of this article.

SEC. 14. The State board of agriculture shall make an annual report to the Governor of Alabama, giving a full account of the work done and a detailed report of the money expended.

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SEC. 24. All cars in which animals are transported in Alabama shall be cleaned and disinfected at the expense of the railroad company after each time of use or before the cars are used to transport other animals.

SEC. 25. If any court of county commissioners or board of revenue of a county shall refuse to make adequate appropriations or provisions to execute in good faith this law, any State inspector or owner of cattle may apply to a circuit judge for a writ of mandamus to compel a faithful compliance with this and all other laws cognate thereto, and the judge shall hear the application at any time or place where he may be, after one day's notice to the court or board, and a failure to obey promptly the command of the writ shall be a misdemeanor, as well as a contempt.

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ARTICLE 44

SECTION 1. That all laws and parts of laws in conflict with this act shall be and the same are hereby repealed: *Provided*, That the provisions of this act shall not repeal statutes pertaining to agriculture and industries, and related subjects, not expressly treated in whole or in part in this act.

SEC. 2. That if any provision of this act or the application thereof to any person or circumstances shall be held by the supreme court of the State to be unconstitutional, such holding shall not affect any other provision of this act, or the application of such provision to other persons or circumstances, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that the judicial annulment for unconstitutionality of any provision hereof shall have no effect upon any other provision not so annulled.

SEC. 3. That in lieu of any provision of this act that shall be judicially annulled for unconstitutionality, the existing law at the time of the adoption of this act governing that subject shall be and remain in full force and effect and shall take the place of and be substituted for the provision so annulled.

SEC. 4. That any person violating any provision of this act shall be guilty of a misdemeanor and, upon conviction, unless otherwise provided in this act, shall be fined not less than \$10 nor more than \$50 for the first offense and double that amount for each such succeeding offense.

SEC. 5. That this act shall, except as may otherwise be provided for certain articles contained herein, go into effect on October 1, 1923.

Sanitary Sewers or Sewerage Systems—Purchase of, by Cities and Towns Authorized—Assessments against Property Benefited by—Issuance of Bonds. (No. 165, Act Aug. 20, 1923)

SECTION 1. That all cities and towns in this State shall have authority to purchase sanitary sewers, or sanitary sewer systems, already constructed and draining territory within their corporate limits, although the trunk sewers and disposal plants thereof may be located outside their corporate limits, and to cause the purchase price of said sewers, or sewer systems, with the disposal plants, together with the cost of improvements made thereon, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or drained by said sewers, or sewer systems, to the extent of the increase of the value of such property by reason of the special benefits derived from such sewers, or sewer systems, and from the purchase of the same by the municipality.

SEC. 2. The council as herein used, mayor and aldermen, or other governing body, shall mean also a board of public works, where such a city has such a board. Wherever the city has, in addition to its council or other governing body, a board of public works charged with the care and maintenance and improvements [sic] of streets, storm sewers, and drains, then and in that event the powers herein declared shall be divided between said board of public works and said city council or other governing body in harmony with the general system of government of said city in reference to the division of authority and duty between the board of public works on the one hand and the council on the other.

SEC. 3. When the council of any city or town shall determine to purchase any sewers, or sewer system, under the provisions of this statute, the cost of which or any part thereof is proposed to be assessed against the property abutting on or drained by said sewers, or sewer system, it shall adopt an ordinance or resolution to that effect describing the sewers or sewer system proposed to be purchased, giving the name or names of the owner, or owners, of said sewers or sewer system, and establishing or describing the territory or area abutting on or drained, or that may be drained, by such sewers, or sewer system, and defining the same by naming the streets, avenues, alleys, or other lines by which the same is bounded. In said ordinance the council shall direct that the city engineer, or such other person as may be designated in such ordinance or resolution, survey said sewers, or sewer system, and prepare maps and profiles showing the location of such sewers, or sewer system, and appurtenances thereto, their sizes, grades, and material of which they are constructed; or may adopt any such survey, maps, and profiles, and report heretofore made by any engineer under the authority of the council.

SEC. 4. Such maps, profiles, and information shall be placed on file in the office of the city engineer, or other officer designated in such ordinance or resolution where property owners who may be affected by such purchase may see and examine the same. Thereafter the council may enter into a contract with the owner or owners of said sewers, or sewer system, subject to final confirmation by the council under the provisions of this act, for the purchase of the same at a purchase price and under such terms as may be agreed upon between the parties thereto, the purchase price to be paid in whole or in part, as the council may see proper, by assessment against the abutting and drained property. Such contract may prescribe when and under what conditions the title to said sewers, or sewer systems, shall be conveyed to the city or town; and that any bonds issued or to be issued as hereinafter prescribed for the cost thereof may be secured by mortgage on, or deed of trust to, said sewer, or sewer system, in addition to the security of the assignment of the lien on the abutting or drained property hereinafter provided for. Thereupon, the council shall pass an ordinance providing for the purchase of said sewers or sewer system, describing the boundaries of the area abutting on or drained by them, fixing the cost of the same to the city, including engineer's fees and cost of publication; and providing that the cost of said sewers, or sewer system, or any specified portion thereof, shall be assessed against all lots or parcels of land lying within the area abutting on or drained by said sewers, or sewer system, to the extent of the increased value of such property by reason of the special benefits derived from such sewer or sewer system, and from the purchase of the same by the municipality; and in said ordinance the council shall appoint a time when the council will meet, which will be not less

than two weeks after the date of the first publication of said ordinance or resolution, to hear any objections or remonstrances that may be made to the purchase of said sewers, or sewer system.

SEC. 5. Said last provided ordinance or resolution must be published once a week for two consecutive weeks in some newspaper published in said city or town. If no newspaper is published therein it may be published either in a newspaper of general circulation or by posting for two weeks in three public places in such city or town.

SEC. 6. At said meeting or at a place and time to which the same may be adjourned, all persons whose property may be affected by said sewers, or sewer system, or by the proposed purchase of the same, may appear in person or by attorney, or by petition, and object or protest against the purchase of the same, and the council shall consider each objection and protest, if any, and may confirm, amend, modify, or rescind the original ordinance or resolution and the contract of purchase made with the owner or owners of the sewers, or sewer system, proposed to be purchased; but if objections to the proposed purchase be made by a majority in area of the property owners, against whose property the cost and expense of the proposed purchase is to be assessed, the purchase shall not take place, unless ordered by a two-thirds vote of the council. Any amendment or modification of the contract of purchase shall not be binding upon the owner or owners of the sewers, or sewer system, until they assent thereto in writing.

SEC. 7. The council may pay out of the general funds of the city or town, or any special funds that may be provided for the purpose, such portion of the cost of the proposed purchase of said sewers, or sewer system, as they see proper. The cost of any sewers, or sewer system, contemplated by this statute shall include the expenses of the preliminary and other surveys and estimates, printing and publishing of notices, resolutions, and ordinances required, including notices of assessment, the purchase price of sewers, or sewer system, the cost of preparing bonds, interest on bonds when bonds have been issued in anticipation of the collection of the assessments, and any other expenses necessary for the completion of such purchase.

SEC. 8. If the purchase of said sewers, or sewer system, be finally ordered, the council shall have power and authority to assess the cost of said sewers, or sewer system, or any part thereof, upon and against all the lots or parcels of land within the territory or area abutting on or drained, or that may be drained, by such sewers, or sewer system, to the extent of the increased value of such property by reason of the special benefits derived from such sewers, or sewer system, and from the purchase of the same by the municipality.

SEC. 9. When any purchase of sewers, or sewer system, made under the provisions of this statute is contemplated, the mayor shall cause to be prepared a roll or list, showing the names of the property owners, and opposite each name a description of each lot or parcel of land proposed to be assessed for such purchase belonging to such owner, or owners, and the amount proposed to be assessed against each lot or parcel of land. Such a list shall be entered in a well-bound book prepared for that purpose and shall contain appropriate columns in which payments may be credited and the lien of the assessment satisfied by the proper officer of the municipality. Said book shall be known as the "Assessment book for local improvement[s]," and shall be a public record, and no error or mistake in regard to the name of the owner, or in the description of the property, provided the property assessed may be identified from the description used, shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner as shown by the records in the office of the judge of probate of the county is shown in said book. Said list may be kept in any book already provided by the municipality and known as the "Assessment book for local improvements."

SEC. 10. After the completion of the proper entries in said book, said book shall be delivered to the city or town clerk, who shall thereupon give notice by publication one time in some newspaper published in said municipality, or of general circulation therein, that said assessment roll or list has been delivered to him and is open for inspection in the office of the person authorized to make collection of said assessments. At the time and place therein mentioned, not less than twenty days from the date of publication, the council will meet to hear and determine any objections or defenses that may be filed to such assessment, or the amount thereof. Such notice shall also state the general character of the sewers, or sewer system, purchased or proposed to be purchased, and the territory or area abutting on, or drained, or that may be drained, by said sewers, or sewer

system, by naming the streets, avenues, alleys, or other highways or other lines by which said district is bounded.

SEC. 11. If there is any defect in said notice or proceedings before or subsequent to said notice with respect to one or more interested persons, the same shall not affect such notice or proceeding, except in so far as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect supplementary proceedings of the same general character as those hereinabove prescribed may be had in order to supply such defects.

SEC. 12. The owners of any real estate or any interest therein, which it is proposed to assess for the cost or any part thereof of said sewer or sewers, or sewer system, may appear at any time on or before the date named in said notice, or at said meeting, and file in writing with the clerk or in his office any objections or defense to the proposed assessment against said property, or to the amount thereof. And persons who do not file objections in writing or protests against such assessment on or before the date named in said notice shall be held to have consented to the same.

SEC. 13. The council shall hear and pass upon all objections and protests against the proposed assessment under such reasonable rules and regulations as they may adopt, and by the mayor or clerk, or other executive officer, may issue subpoenas for witnesses to appear before the council, or any committee thereof, and to administer oaths to the witnesses to be examined.

SEC. 14. At such meeting or any adjourned meeting the council shall proceed by order or resolution to fix the amount of the assessment against each lot or tract of land described and included in said assessment roll, and all such assessments from the date of such order or resolution shall be and constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the State and county for taxes.

SEC. 15. The council of each city or town may transfer and assign such liens to the owner or owners of the sewer or sewers, or sewer system, from whom purchased, or to any other person.

SEC. 16. In addition to the method hereinafter provided for the collection of such assessments, the circuit court, in equity, or other court of like chancery jurisdiction, may enforce said liens, and in all suits which may be brought to enforce said liens, either by the council or by its assigns, the complainant shall recover the amount of such assessment, with interest thereon, and the costs of such proceedings.

SEC. 17. The enforcement by the State, county, city, or town of its lien for taxes or [on?] any lot or parcel of land upon which has been levied an assessment under the provisions of this act shall not operate to discharge or in any manner affect the lien of the municipality for said assessment, but the purchaser at a tax sale by the State, county, city, or town of any lots or parcels of land upon which an assessment has been levied shall take the same subject to such assessment.

SEC. 18. Nor shall the enforcement by the municipality of its lien for an assessment levied for one improvement by the sale of the property operate and [to?] discharge, or in any way affect, the lien of any other assessment for a different improvement on the same property; but the purchaser at such sale shall take subject to the lien of all other assessments and the right of the municipality to enforce the same.

SEC. 19. Any person aggrieved by the decision of the council in making any assessment may appeal to the circuit court, or any other court of like jurisdiction under the provisions in the code of this State providing for appeals from decisions of city or town councils in making local assessments, and such appeals shall be tried as provided therein, and appeal taken to the supreme court or court of appeals as therein provided.

SEC. 20. The council, in purchasing any sewers, or sewer system, the cost of which or any part thereof is to be assessed against the area drained by such sewer, sewers, or sewer system, may provide that the same shall be paid in cash within thirty days after the final assessment, provided the cost of such sewers, or sewer system, does not exceed \$1,000, but if the total cost of such purchase is greater than such sum, any property owner may, at his election, to be expressed by notifying the city official charged with the duty of collecting such assessments, in writing within thirty days after the assessment is made final, pay such assessment in not less than ten nor more than fifteen equal annual installments, as determined by the council, which installments shall bear interest at not exceeding 8 per cent per annum, payable annually. And the council may further

provide that any person may further elect to pay each annual installment in four equal quarterly installments. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made, and may at any installment period, either annual or quarterly, pay the assessment in full by paying the full amount of the installments, together with all accrued interest thereon and an additional sum equal to six months' interest at 8 per cent per annum on the amount of said assessment so paid before maturity as a penalty. Should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on the same until the succeeding installment period, together with the penalty above described. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector, or treasurer of the city or town as the council may prescribe, and all assessments or installments thereof shall bear interest at not exceeding 8 per cent per annum after the expiration of thirty days from the date on which the same were made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay in installments, or having elected to pay in installments fails to pay the first installment within thirty days from the date of the assessment, he shall be held to have waived the right to pay in installments, and the entire assessment shall at the expiration of said thirty days become due and payable.

SEC. 21. If the property owner who has not elected to pay in installments fails to pay his assessment within thirty days or having elected to pay in installments fails to pay the first installment within thirty days from the date of the assessment or makes default in the payment of any annual or quarterly installment, or the interest thereon, the whole of such assessment shall immediately become due and payable, and the officer designated by the council to collect such assessment shall proceed to sell the property against which the assessment is made to the highest bidder for cash; but he shall first give notice, by publication once a week for three consecutive weeks in some newspaper published in the city or town or of general circulation therein, advertising the day of such sale and the purpose for which the same is made, together with the description of the property to be sold. Any property owner, notwithstanding his default, may pay the assessment, with interest and all costs, if tendered before the sale of the property. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

SEC. 22. The officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title, and interest which the party against whose property the assessment was made had or held in said property at the date of making such assessment or on the date of making such sale. Any surplus arising from such sale shall be paid into the city treasury, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The council may, by its agent, purchase real estate sold as provided under this act, and in the event of such purchase the deed for the same shall be made to the town or the city.

SEC. 23. Such property may be redeemed by the owner or his assigns or other persons authorized to redeem property sold for taxes by the State of Alabama, within two years from the date of the sale, by paying to the purchaser or the city treasurer for him, the amount for which the property was sold with interest thereon at the rate of 15 per cent per annum from the date of the sale, together with a fee of \$2 for the expense of a conveyance.

SEC. 24. No mistake in said publication in the description of the property or in the name of the owner shall vitiate the assessment or the lien and, if for any reason the sale made by the city or town is ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceeding for his benefit, or the lien so assigned to him may be enforced in equity.

SEC. 25. For the purpose of providing funds to pay the costs of said sewer, or sewer system, authorized to be purchased under the provisions of this act, the council of any city or town may issue bonds, within the limitations prescribed by the constitution in such amount as may be necessary, not to exceed the total cost of said sewer, or sewers, or sewer system.

SEC. 26. The council may borrow money on the faith and credit of the city or town, executing the note of the city or town therefor, and pledging as security for such loan the proceeds of the proposed assessments thereafter to be made as

provided in this act, and such sum or sums so borrowed the council may advance in payment or part payment of the cost of such sewer, or sewers, or sewer system; and upon the expiration of thirty days after the assessment for the cost of the same shall have been made final the council may then issue and sell bonds for such amount as may be necessary, after deducting the amount paid by property owners, to pay the cost of such sewers, or sewer system, including such amounts as may have been borrowed for the purpose, and all interest and other expenses incurred in and about the purchase of the same. The council may provide in its contract with the owner, or owners, of the sewer, sewers, or sewer system, that such bonds are to be received in payment of the purchase price of such sewers, or sewer system, and in such case, upon the expiration of thirty days after the assessment of the cost of the same the council may, by resolution or ordinance, authorize the delivery of the bonds to said owner or owners in accordance with said contract.

SEC. 27. Said bonds shall be negotiable and payable to bearer, and may be payable in lawful money, or gold coin of the United States, as the council may prescribe. By the ordinance providing for the issue of such bonds full provision shall be made for their form and character. Said bonds shall have coupons attached to represent the interest thereon, and the council may provide that such bonds may be changed from coupon to registered bonds, or vice versa. Such bonds shall be of such denomination or denominations as the council may direct, not to exceed \$1,000 each and not to be less than \$50 each. They shall bear interest at not to exceed 6 per cent, per annum, payable annually or semi-annually, at such place or places as may be designated therein. They shall be issued under the corporate seal of the city or town, and shall be signed by the mayor and the treasurer thereof, and shall be disposed of at not less than par; but as above provided the council may, by contract with the owner or owners of the sewers or sewer system purchased, provide that the bonds thereafter to be issued to pay for the same may, upon the consummation of said purchase contract, be issued to said owner or owners at not less than par in payment of the purchase price of such work. The said bonds shall be payable in from ten years to fifteen years from their date, as determined by the city council, but any bond or bonds so issued and sold shall, at the option of the city or town, be payable at any interest period; but in the event the city or town should elect to pay off any such bond or bonds before maturity, it shall pay as bonus to the holder thereof a sum equal to one-fourth the annual interest thereon, and the city or town shall give public notice of its intention to redeem said bond or bonds, describing the same by number and series, by publication once a week for three consecutive weeks in a newspaper published in said city or town, or of general circulation therein; and if said bonds are registered, such notice shall also be sent by registered mail to the address of the registered owner thereon [thereof?], where such address is shown on the book of registration.

SEC. 28. Any city or town having a population of less than 6,000 may, notwithstanding the amount or character of any bonded or other indebtedness, issue such bonds, but the same shall be a lien or charge only against the property improved and drained and against the fund collected from the assessments levied against the property improved and drained, and shall not be the general obligation of the city or town, nor shall such city or town be in any way liable to the holders of such bonds in case of failure to collect the same: *Provided however*, Such bonds may be secured by mortgage on, or deed of trust to, said sewers or sewer systems. Such last described bonds, when issued, shall convey and transfer to the owners thereof all right, title and interest in and to the assessment, and the lien upon the respective lots or parcels of ground herein provided for, which liens and assessments shall stand as security for such bonds and coupons until they are paid, with full power in the holder of said bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction: *Provided*, That the first bond or coupon holder who institutes a foreclosure suit in any court against any property assessed shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that no more than one foreclosure suit shall be brought against any one lot or parcel of land.

SEC. 29. The proceeds from the sale of bonds authorized to be issued by this act shall be applied only to the payment of the cost of the sewer, or sewers, or sewer system designated in the ordinance providing for their issue.

SEC. 30. It shall be the duty of the city officials charged with the duty of collecting assessments, to keep a correct account of all funds arising from all such assessments, and to carefully and correctly keep a separate account of the fund

arising from the collection of assessments under each particular purchase or improvement ordinance; and no proceeds arising from assessments levied [levied] for one improvement or improvements shall be directed to the payment of the bonds or coupons issued for any other purchase or improvement or to the payment of any other indebtedness of the city, or for any other purposes whatsoever, except as herein expressly provided.

SEC. 31. Said official charged with the duty of collecting assessments shall be liable on his official bond, to any holder of the bonds authorized to be issued under this act, for any loss or injury to such bondholder caused by the diversion by said officer of any funds, or part thereof, to the payment of any bonds or coupons or indebtedness of the city or town other than the bonds and interest coupons entitled and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer of any part of the funds out of which said bonds are required and contemplated in this act to be paid for any other purpose than provided for in this act; or for the benefit of the city, or town, or others. And all members of the governing body or bodies of the city or town who shall, by their vote, or in any other manner, cause, aid, or encourage any such diversion, use, or misappropriation of the funds out of which the bondholders are entitled to be paid, for any other purpose than that authorized and required in this act, whereby loss or injury to the bondholders, or any of them, is caused, shall be jointly and severally liable to such bondholders injured to the extent of such loss or injury.

SEC. 32. All proceeds arising from the collection of assessments levied under the provisions of this act shall, as soon as collected, be deposited and shall be kept by the city official charged with the duty of collecting assessments in some bank or banks paying interest on time deposits, to be designated by the council. Said collections shall not be deposited with the general funds of the city or town but shall constitute a separate deposit to the account of "Public bond sewerage fund," and shall be drawn out on check or order, and the council may pass the proper ordinances and regulations requiring counter signature of said check or orders.

SEC. 33. At any time, when the amount of any particular fund shall, with it[s] accumulations, equal the amount of outstanding bonds and accrued interest entitled to payment out of such fund, the council shall have authority to redeem any and all such bonds that may be presented for redemption at such time thereafter as the holders thereof may desire to present the same for redemption. The excess, if any, when all bonds and coupons are redeemed and the interest thereon paid, and not in excess of the total cost and expense of the purchase of such sewer or sewers, or sewer system, to be converted into the general revenue fund of the city.

SEC. 34. In the event the amount collected from the assessment under any ordinance authorizing the purchase of a sewer, sewers, or sewer system, shall exceed the total cost and expense of the same, there shall be refunded to each of the parties affected by said assessment a proportionate amount of the excess upon demand made thereafter by said parties within 12 months after maturity or payment of the bonds authorized by this act.

SEC. 35. If such claims be not presented within 12 months from the date of the maturity or payment of the bonds, they shall be forever barred, and such amounts shall be converted to the general revenue fund of the city or town.

SEC. 36. The council of any city or town purchasing any sewer, or sewers, or sewer system, shall have authority to make reasonable rules and regulations for the operation and maintenance of the same, and to provide penalties for the violation thereof. No charge shall be made for the use of said sewers, or sewer system against any property assessed under the provisions of this act for the cost of the sewer, or against the owners or tenants thereof: *Provided, however*, That the council may prescribe a maximum volume of drainage for commercial or manufacturing business, or plants, and make charges for such excess, or otherwise regulate the same.

ALASKA

Municipal Corporations Law—Provisions of, Relating to Public Health. (Ch. 97, Act May 4, 1923)

Sec. 12. *General authority of council.*—The council shall have and exercise the following powers:

Sixth. To provide for * * * public health, * * *

Eleventh. To prohibit * * * conduct endangering the * * * public health, * * *

Seventeenth. To take such other action by ordinance, resolution, or otherwise as may be necessary to protect and preserve * * * the health, * * * of the people of the city.

Sec. 16. *Extraterritorial jurisdiction.*—For the purpose of installing, acquiring, owning, or operating plants for the supply of water * * * to the city or its people, or for the purpose of constructing and maintaining proper sewer system, a municipal corporation shall have power to acquire and own property outside the boundaries of the city and shall have jurisdiction by proper ordinance and the enforcement of the same to protect the sources of the supply of water for the city from contamination, interruption, interference, or injury of any kind, though the same be situated outside of the boundaries of the municipality, and it shall have the same extraterritorial jurisdiction to protect in the same manner * * * all * * * water plants as well as sewers with all their dams, flumes, pipe lines, * * * and other equipment for serving the city or its inhabitants with * * * water or drainage through sewers, whether the same be owned by the city or by a public service company or institution.

Sec. 42. *Service of food; supervision over.*—It shall be the duty of every municipality to provide by ordinance for the inspection of all restaurants, lunch counters, bake shops, meat markets, fish markets, and all other places where food is prepared, served, or sold, and provide for the closing of all such places for the preparation, service, or sale of food, which are not constantly kept cleanly and wholesome, and for the condemnation of articles of food and drink, whether prepared or otherwise, found to be impure, unwholesome, dangerous to health, or otherwise unfit for human consumption. Any person who shall, after any such articles shall have been so condemned by any municipal authority, sell or serve the same to any person, or keep, exhibit, or offer the same for sale for purpose of human food or human drink, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the Federal jail for not more than six months, or by fine of not more than \$500, or by both fine and imprisonment.

Habit-Forming Drugs—Possession, Sale, Dispensing, and Use. (Ch. 62, Act Apr. 30, 1923)

SECTION 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa [coca] leaves, or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health, and morals.

Sec. 2. The term "narcotic drugs" wherever used in this act, shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa [coca] leaves, alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica, and other salts, derivatives, mixtures, or preparations of any of them.

The term "narcotic addict" whenever used in this act shall be deemed and construed to mean and include any person who habitually uses a narcotic drug or drugs.

The masculine term shall be deemed and construed to mean and include the feminine gender, and the singular terms shall be deemed and construed to mean and include the plural.

SEC. 3. It shall be unlawful for any person to sell, furnish, or dispose of, or have in his possession with intent to sell, furnish, or dispose of any narcotic drug or drugs, except upon the written and signed prescription of a physician regularly licensed to practice medicine and surgery, who has complied with the regulations of, and is duly registered under the laws of the Territory of Alaska, and the laws of the Congress of the United States. All such prescriptions shall be written with ink or indelible pencil, must be signed by the physician issuing the same, and must contain the name and the address of the person for whom prescribed and the nature of the ailment, the date written, the office address, and Federal registry number of the physician, all of which data must be placed on such prescription by the physician writing the same, or caused to be placed thereon before his or her signature is affixed thereto.

All such prescriptions shall be filled but once, and the dispenser of such drugs in pursuance of such prescription shall cause the person procuring the drug or drugs to be prescribed to place his or her signature and address upon the back of such prescription, and shall keep all such prescriptions on a separate file and preserve them for not less than two years from and after the date of the last prescription placed on such file, shall make duplicate copy of such prescription and preserve same, and such prescription shall at all times during business hours be available for inspection by any member of the board of pharmacy or any other officer of the law.

It shall be unlawful for any person to supply such narcotic drugs, or preparations containing such drugs, upon telephone orders, or for any person to order such narcotic drugs or preparations containing such narcotics, by telephone: *Provided*, That nothing in this section shall be construed as prohibiting any wholesale dealer in drugs from selling or furnishing in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any other wholesale or retail dealer, nor prevent such wholesale dealer from selling in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs, to any physician, dentist, surgeon, or veterinarian, duly registered under the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs; nor prevent any retail druggist from selling, in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs to any physician, dentist, surgeon or veterinarian duly registered under said acts of Congress and the rules and regulations now in force or hereafter promulgated as aforesaid; nor prevent any physician, dentist, surgeon, or veterinarian, so registered, from administering, for legitimate medical purposes, in the course of his professional practice only, to his patient, any of the articles enumerated in this section in quantities proportioned to the needs of such patient; nor prevent the manufacture, sale, and dispensing of preparations and remedies containing not more than 2 grains of opium, nor more than one-fourth grain of morphine, nor more than 1 grain of codeine, nor more than one-eighth grain of heroin, or any derivative or preparation of them, in 1 fluid ounce, or if a solid or semisolid, in 1 avoirdupois ounce; or liniments, ointments, or other preparations incapable of being used as a beverage intended for external use only, except liniments and ointments or other preparations which contain cocaine or any of its salts or derivatives, or alpha or beta eucaine or their salts or derivatives: *Provided, further*, That such remedies and preparations are such as are exempt by Federal law, rules, and regulations and are sold, distributed, and dispensed in good faith as medicines and not for the purpose of evading the intentions and provisions of this act, and that all sales of such drugs, medicines, or preparations which contain such exempt quantities of narcotic drugs, whether sold and dispensed upon prescriptions or otherwise, shall be duly registered and recorded in a suitable register showing in parallel columns the signature of the person procuring the same, the date of sale, address of purchaser, name of drug or preparation, quantity sold or dispensed, and if

pursuant to a prescription the serial number of such prescription, and such record shall be preserved for a period of not less than two years from and after the date of the last entry made.

It shall be deemed a violation of this act for any person to have in his or her possession any narcotic drug, or any preparation or compound containing the same in unexempt quantities, unless the same shall have been obtained pursuant to this act and to the laws of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder, and proof of the possession of any such narcotic drug, except by a licensed physician, licensed manufacturer, or licensed druggist, shall be prima facie evidence of an intent to unlawfully sell, furnish, or dispose of the same.

Any person violating any of the provisions of this section or any person who shall falsely make, forge, or alter, or knowing the same to have been falsely made, forged, or altered, shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any narcotic drug as defined in this act shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year nor more than ten years. Upon a conviction of any registered pharmacist, dentist, physician, or veterinarian for violating any of the provisions of this section the certificate of registration or license of such offender shall also be revoked or canceled, and such offender shall not be eligible for reregistration for a period of ten years from and after the date of the revocation of his or her certificate or license.

Sec. 4. Every person who habitually uses any narcotic drug as defined in this act shall be deemed guilty of a misdemeanor, and may be punished therefor by imprisonment in jail for a period not to exceed six months.

Sec. 5. In any prosecution for the violation of the provisions of this act it shall not be necessary for the indictment, complaint, or information to set forth any negative allegation, nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter for defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

Sec. 6. In addition to other law enforcement officers it shall be the duty of each member of the board of pharmacy of the Territory of Alaska to see that the provisions of this act are enforced, to investigate all reports of violations of said act, and to prosecute all violations of said act which may come to the notice of any member of said board: *Provided, however,* That any violation of section 4 of said act brought to the notice of any member of said board may be prosecuted or not prosecuted by him in the discretion of the board.

Sec. 7. All acts or parts of acts in conflict with this act, more particularly chapter 17 of the Session Laws of 1921, are hereby repealed.

Livestock—Importation. (Ch. 64, Act Apr. 30, 1923)

SECTION 1. That section 3 of chapter 55,¹ Alaska Session Laws of 1919, be amended to read as follows:

"Sec. 3. It shall be unlawful to bring into the Territory of Alaska any horses, cattle, or swine for work, feeding, breeding, dairying, or for any other purposes without first having such animals examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, actinomycosis, rinderpest, foot-and-mouth disease, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague, and hog cholera, and without having swine given the serum treatment for hog cholera within two weeks before shipping, unless having obtained a permit from the commissioner of agriculture, the assistant commissioner of agriculture assigned to the division of dairy and livestock of the State, Territory, or foreign country from which said livestock is shipped, or a permit from an inspector of the Department of Agriculture of the United States assigned to the division of dairy and livestock in the State, Territory, or foreign country from which such livestock is shipped; and no steamship or transportation company or other common carrier shall bring any such animals into the Territory of Alaska without first having had the same examined or treated and found free from said diseases and having obtained the permit herein provided for."

¹ Supplement 42 to Public Health R. p. 113, p. 46.

ARIZONA

Peyote and Mescal—Possession, Sale, Furnishing, or Giving Away of, Prohibited. (Ch. 48, Act Mar. 10, 1923)

SECTION 1. That it shall be unlawful for any person, firm, corporation, or association to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in his or its possession peyote (pellote), botanically known as *Lophophora Williamsii*; or *Agave Americana*, commonly known as the mescal button; or any compound, derivative, or preparation thereof.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$300 or by imprisonment in the county jail for a period of not to exceed six months, or by both such fine and imprisonment.

Dairy Cattle—Control and Eradication of Communicable Diseases in. Milk and Milk Products—Sale. (Ch. 69, Act Mar. 12, 1923)

SECTION 1. Whenever the State board of health believes, or has reason to believe, that tuberculosis, anthrax, or any other diseases dangerous to human health or life, exists among one or more cows kept for the production of milk, or giving milk, it may direct the State veterinarian to establish a quarantine of such cow or cows and to make an examination thereof to determine the presence of any such disease. Upon the receipt of such direction, the State veterinarian, or such deputy as he shall designate, shall proceed to the place named in such direction where such cow or cows are kept and make an examination thereof to determine the presence of any such disease. In the event that any such cow is thereupon found to be diseased with tuberculosis, according to the test conducted, the State veterinarian shall proceed in the manner directed in chapter 30 of the Acts of the Fifth Legislature, regular session, 1921; and, for the purpose of this act, said chapter 30 is made a part hereof, and is supplementary and cumulative hereto as to the authority therein for carrying out the aforesaid directions. At the time of the establishment of a quarantine under the authority of this act, the State veterinarian may adopt such sanitary regulations in relation thereto as he shall deem necessary to prevent the spread of any such disease. Such quarantine shall be continued until any such diseased cow has been removed and danger from such disease abated.

SEC. 2. No person, copartnership, association, firm, or corporation engaged in the production or manufacture of milk or milk products shall sell, give away, exchange, or barter any milk or milk products in its or their raw, unpasteurized, or unsterilized state, from any cow afflicted with a disease dangerous to human health or life, after receiving notice of the presence of such disease in such cow from the State board of health, or the State veterinarian: *Provided*, That nothing in this act shall be construed as prohibiting any person, copartnership, association, firm, or corporation from marketing his or its milk, or milk products, through channels or methods which insure, to the satisfaction of the State board of health, that said milk or milk products are at all times thoroughly and effectively pasteurized or otherwise sterilized, before being offered to the consuming public as food.

SEC. 3. The State board of health, any member thereof, and the State veterinarian shall have power and authority to call upon any sheriff, deputy sheriff, constable, cattle inspector, or police officer of any city or town for aid in the execution of the provisions of this act, and it is hereby made the duty of any such officer to render such aid when so directed.

SEC. 4. Any person violating any provision of this act is guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided by law for the punishment of misdemeanors.

Certain Livestock Brought into the State—Sequestration, Inspection, and Tuberculin Testing of—Disposal of Tuberculous Animals. (Ch. 47, Act Mar. 10, 1923)

SECTION 1. All dairy cattle and all grades of hogs and cattle classified and known as "breeding stock," exclusive of range cattle, shipped or transported in any manner into the State of Arizona from another State of the United States or from a foreign country shall be kept by the owner thereof, or the person having the control and charge thereof, sequestered and separated from other cattle and livestock for a period of sixty days from and after the date of their arrival in the State.

SEC. 2. At the expiration of sixty days from the date of their said arrival within the State, said dairy cattle and other livestock enumerated in section 1 hereof shall be inspected by the State veterinarian or by a veterinarian appointed under the provisions of chapter 30, Session Laws, A. D. 1921, and the tuberculin test applied, in all respects according to the limitations and conditions and subject to the penalties prescribed in said chapter 30. In the event that said livestock, or any of them, are determined by said test, or otherwise, to be afflicted with tuberculosis, the same shall be disposed of in all respects as prescribed in said chapter 30: *Provided, however,* That no compensation shall be paid by the State of Arizona for the condemnation, killing, or disposition of any animal under this act.

SEC. 3. Any person having control or charge of any of the livestock enumerated in section 1 hereof shipped into this State who shall fail, refuse, or neglect to keep such livestock sequestered, as provided in section 1 hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$250 for each offense, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 4. This act shall be deemed cumulative and in addition to the provisions of said chapter 30, and shall in no manner be construed so as to repeal any of the provisions of said chapter 30.

ARKANSAS

State Tuberculosis Hospital for Negroes—Establishment and Operation. (No 113, Act Feb. 13, 1923)

SECTION 1. That there shall be established at some suitable place in the State of Arkansas, to be selected in the manner hereinafter selected, a tuberculosis sanatorium for the care and treatment of negroes afflicted with tuberculosis.

SEC. 2. Immediately after the passage of this act the Governor of the State of Arkansas shall appoint six persons, at least two of whom shall be women and two of whom shall be legally registered physicians, who shall constitute a board of trustees of said institution. The terms of office of each of the members of said board shall be for a period of six years, except that upon appointment of the first board provided for herein the governor shall appoint two for a term of two years, two for a term of four years, two for a term of six years, and every two years thereafter the Governor of the State of Arkansas shall appoint two members of said board. The governor is authorized and it is hereby made his duty to fill the vacancies occurring on said board by appointment for the unexpired term, and he shall have the right to remove any trustee for due cause. Members of the board of trustees shall receive no compensation for their services other than actual traveling expenses incurred while attending to their duties.

SEC. 3. Immediately after the appointment of said board, the governor shall call the members thereof in board meeting and said board shall select one of its members as chairman and shall elect another of the members as secretary.

SEC. 4. As soon after the organization of said board as practicable said board shall select a suitable site for the establishment of a tuberculosis sanatorium for negroes, and in selecting said site they shall place institution at such point in the State as shall appear to them to be more nearly in the center of the negro population of said State.

SEC. 5. Said board is hereby authorized to purchase for the State of Arkansas the site selected by them not to exceed 40 acres in area and not to cost more than \$3,000.

SEC. 6. It shall be the duty of said board to cause plans and specifications for the necessary buildings to be prepared, and after said plans are approved said board shall advertise for bids for the construction of said buildings in accordance with the plans and specifications, and they shall let the construction to the lowest bidder. Said board shall require that the contractor execute a bond to the State of Arkansas in the sum of \$40,000 conditioned that he will faithfully perform his contract.

SEC. 7. Said board of trustees shall employ a superintendent of said institution, who shall be a physician skilled in the treatment of tuberculosis, and upon the recommendation of the superintendent the board shall employ the necessary medical staff and assistants, nurses, and other employees to properly carry out the intention of this act and to fix their compensation.

SEC. 8. Said board of trustees shall have full and complete control of the institution and of the employees thereof, and shall manage said institution as shall appear to them to be to the best interest of the State of Arkansas and of the inmates thereof.

SEC. 9. Whenever it shall appear to any county judge in the State of Arkansas that a negro residing in said county is afflicted with tuberculosis and has not sufficient funds to provide for his treatment, said county judge may commit said person to the Arkansas Tuberculosis Sanatorium for negroes: *Provided*, That such person is accepted by the chief medical officer of such institution.

SEC. 10. The board of trustees of said institution shall have the right at any time to deny to any person committed by the order of the county judge the right further to remain in such institution, and the action of said board of trustees shall not be reviewable: *Provided*, That the board, where it finds that any patient or patients are able to pay in whole or in part for the care and treatment

provided by said hospital, shall require such person to pay such sum as the board shall find reasonable and just toward the maintenance and treatment of such person.

SEC. 11. The board of trustees is authorized to accept any gifts or donations in land, money, or property which may be given by any person or corporation to said institution, but said gifts shall be without condition and complete to the State.

SEC. 12. The chairman of the board of trustees and the secretary thereof, and the superintendent of said institution, when appointed, shall each execute a bond with sufficient security in the sum of \$10,000 to the State of Arkansas, conditioned for the faithful performance of the duties herein presented and for the proper accounting of all money which may come into their hands. Said bond may, at the discretion of the board of trustees, be executed by a surety company authorized to do business in the State of Arkansas, and the premium for said bond may be paid out of the funds belonging to said institution.

Ice Cream—Definitions—Labeling—When Deemed Adulterated. Milk and Cream Used in the Manufacture of Ice Cream and Creamery Butter—Pasteurization. Receptacles for Dairy Products—Use. (No. 703, Act Mar. 27, 1923)

SECTION 1. That ice cream within the meaning of this act is the frozen product made from milk, cream, and sugar, with or without a normal flavoring, and containing not less than 8 per cent of milk (butter) fat and not less than 32 per cent of total solids.

Fruit ice cream.—The frozen product made from milk, cream, sugar, and sound, clean, mature fruit and contains not less than 6 per cent milk (butter) fat and not less than 32 per cent total solid[s].

Nut ice cream.—The frozen product made from milk, cream, sugar, and sound nuts and contains not less than 6 per cent milk (butter) fat and not less than 32 per cent total solids.

Any ice cream manufactured, or any ice cream sold in the State that does not conform to the above standard in milk (butter) fat or total solids shall be plainly labeled on tub, package, or other container with the words "Composition cream."

Ice cream shall be deemed to be adulterated within the meaning of this act:

First. If it shall contain borac [boric] acid, formaldehyde, saccharine, or any other added substance or compound that is deleterious to health.

Second. If it shall contain salts of copper, iron oxide, or fats other than milk (butter) fat, or any coloring matter deleterious to health: *Provided*, That this shall not be construed to prohibit the use of harmless coloring matter in ice cream when not used for fraudulent purposes.

Third. If it shall contain any deleterious flavoring matter not true to name.

Fourth. If it be an imitation of or offered for sale under the name of another article.

Nothing in this act shall be construed to prohibit the use of fresh eggs or other edible foods which come under the Federal pure food law, or not exceeding one-half of 1 per cent of pure gelatine, gum tragacanth, or other vegetable gums.

SEC. 2. Any manufacturer who shall sell, or offer for sale, or have in possession with intent to sell any ice cream adulterated within the meaning of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not more than \$100, or confined in jail not more than sixty days, or both.

SEC. 3. That all milk and cream used in the manufacture of ice cream must be pasteurized by heating [to] a temperature of 145° and held for 25 minutes; or to a temperature of 150° and held for 20 minutes; using the intermittent system of pasteurization; or shall be heated to 170° F. with the flash or continuous system of pasteurization.

Any person who does not comply with this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 2.

SEC. 4. That all milk and cream used in the manufacture of creamery butter must be pasteurized to a temperature of 145° F. for 25 minutes, or to 150° F. and held for 20 minutes, using the intermittent system of pasteurization, or shall be heated to 170° F. with the flash or continuous system of pasteurization. Or, in lieu thereof, of [sic] the milk shall be brought to 212° F. and held there for at least three minutes.

Any person manufacturing creamery butter who does not comply with this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 2 of this act.

SEC. 5. It shall be unlawful for any person, firm, or corporation within the State to use any cans, tubs, or other containers which bear the name of any other person, firm, or corporation for the purpose of handling or shipping ice cream or other dairy products.

Any failure to comply with this section shall be deemed a misdemeanor and upon conviction shall be punished as prescribed in section 2 of this act.

Habit-Forming Drugs—Possession, Sale, and Dispensing. (No. 213, Act Feb. 27, 1923)

SECTION 1. It shall be unlawful for any person, firm, or corporation to have in his or its possession or to sell, barter, exchange, or give away any opium, morphine, codine [codeine], heroin, laudanum, cocaine, cannabis indica, or other potent narcotic drug, or any derivative, preparation, or compound thereof. Nothing in this section shall apply to:

(a) To [sic] the possession, prescribing, dispensing, or administration of any of the aforesaid drugs to a patient by a licensed physician, dentist, or veterinary surgeon in the course of his professional practice only; and to patient upon whom such physician, dentist, or veterinary surgeon shall personally attend.

(b) To the possession, sale, dispensing, or distribution of any of the aforesaid drugs by a registered pharmacist to a customer under and in pursuance of a written prescription issued by a licensed physician, dentist, or veterinary surgeon.

(c) To the possession, manufacture, dispensing, [or] sale, or [of] preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth grain of morphine, or more than one-eighth grain of heroin, or more than 1 grain of codine [codeine], or more than one-half of a grain of solid extract of cannabis indica, or more than 8 minims [minims] of chloroform in 1 fluid ounce, or in [to] liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts: *Provided*, That such remedies and preparations are manufactured, dispensed, sold, distributed, given away, or possessed as medicine and not for the purpose of evading the intention and provision of this act: *Provided further*, That any manufacturer, producer, wholesale druggist, compounder, or pharmacist (including dispensing physicians) of the preparations and remedies containing opium or any salt of opium or any derivative of a salt of opium shall keep a record of all sales, exchanges, or gifts of such preparations and remedies.

SEC. 2. Any person, firm, or corporation who shall violate the provisions of section 1 of this act shall be guilty of a felony and upon conviction shall be imprisoned in the State penitentiary for a period of not less than six months nor more than five years.

Habit-Forming Drugs—Possession, Use, Compounding, and Sale of, by Charitable Institutions, Sanatoriums, Hospitals, and Wholesale Druggists. (No. 596, Act Mar. 22, 1923)

SECTION 1. It shall be lawful for eleemosynary institutions, sanatoriums, hospitals, and wholesale druggists having registered pharmacists in their employ to possess, use, compound, and sell narcotic drugs in pursuance of the Federal narcotic act—Public No. 223—Sixty-third Congress, H. R. 6282, and the rules and regulations thereto appertaining.

Births and Deaths—Registration Districts—Fees of Local Registrars—Certified Copies of Records. Divorces and Marriages—Registration. (No. 612, Act Mar. 23, 1923)

SECTION 1. That section[s] 9, 10, and 11, under section 1 of Act No. 149¹ of 1917, be, and the same are hereby, amended to read as follows:

"SEC. 9. That for the purpose of this act the State registrar shall divide the State into registration districts, defining and designating the boundaries thereof

¹ Supplement 37 to Public Health Reports, p. 25.

and appointing local registrars in each district. Each registration district shall have at least one township therein.

"Sec. 10. That each local registrar shall be paid the sum of 25 cents for each birth certificate and each death certificate properly and completely made out and registered with him, correctly recorded and promptly returned by him to the State registrar as required by the rules and regulations. And in case no birth nor death was registered during any month, the local registrar shall be entitled to be paid the sum of 25 cents for each report to that effect, but only if promptly made in accordance with the rules and regulations. The State registrar shall certify to the State auditor at least once annually the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rate fixed herein, and the State auditor shall draw warrants on the State treasurer in favor of the local registrars for the amount due.

"Sec. 11. That the State registrar shall upon request furnish any applicant with certified copy of record of any birth or death registered under the provisions of this act, for the making and certification of which he shall be entitled to a fee of 50 cents, to be paid by the applicant, and any such copy of the record of a birth or death, when properly certified by the State registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated."

SEC. 2. That all divorce decrees or dismissals filed in this State shall be registered with the State registrar of vital statistics at the State capitol.

SEC. 3. Forms or coupons for reporting such decrees or dismissals shall be furnished by the State registrar, and the circuit or chancery clerks with whom said decrees or dismissals are filed shall complete and forward said coupons to the State registrar on or before the fifth day of each month.

SEC. 4. Every such circuit or chancery clerk shall collect a fee of 50 cents from the plaintiff in the bill of divorce, and shall make a deposit of such fees so collected in the State treasury on or before the fifth day of each month and such deposits shall be placed to the credit of the general revenue fund.

SEC. 5. The circuit or chancery clerk may collect a fee of 10 cents from the plaintiff for postage and stationery for issuing and forwarding of the coupon for divorce, and 10 cents for issuing and forwarding coupon of the decree or dismissal to the State registrar; and the county clerk may collect a fee of 10 cents from the applicant for issuing and forwarding coupon of each marriage license to the State registrar, as required by section 11 (c) of Act 149 of 1917.

CALIFORNIA

Pure Milk Law. (Ch. 390, Act June 15, 1923)

SECTION 1. This act shall be known as the "pure milk law" of California.

SEC. 2. Unless specifically stated otherwise, the term milk as used in this act shall be construed to mean cow's milk as distinguished from the milk of goats, sheep, or other animals.

SEC. 3. It shall be unlawful for any person, firm, or corporation, except in bulk to the wholesale trade, to sell or exchange or offer or expose for sale or exchange for human consumption, any milk from cows that have not passed the tuberculin test, until it has been pasteurized by the holding process at a temperature not less than 140° F. for thirty minutes: *Provided*, That market milk shall not be heated for more than one hour nor above 145° F. It shall further be unlawful for any person, firm, or corporation to sell or exchange, or offer or expose for sale or exchange, for human consumption any butter, ice cream, or other products of milk (except cheese and except butter as provided in the general dairy law of California) into the composition of which any milk enters other than that permitted in this section of this act to be sold at retail for human consumption.

SEC. 4. For the purposes of this act market milk shall be construed to include market cream and shall be divided into three general classes, as follows: Market milk or cream, manufacturing milk or cream, and milk or cream unfit for human consumption.

SEC. 5. Market milk or cream shall include all milk or cream supplied to the consumer in the natural fluid state or prepared for human consumption without being converted into any other form or product.

It shall be unlawful for any person, firm, or corporation, by themselves or their agents or employees, to sell as or for raw market milk any milk unless, either directly or through a local inspecting department, a written request has been filed with the department of agriculture of the State of California that the cows by which this milk is produced be tuberculin tested and until all the requirements of this act for tuberculin testing have been complied with.

Market milk or cream produced and sold under the supervision and within the jurisdiction of a milk-inspecting department, as provided in section 9 of this act, or market milk produced under such supervision but sold outside the jurisdiction of a milk-inspecting department, as also provided in section 9 of this act, shall be known as graded milk.

All other market milk or cream shall be known as ungraded milk.

SEC. 6. Manufacturing milk or cream is milk or cream that is to be made into butter, cheese, condensed milk, powdered milk, and by-products, such as casein, milk sugar, and albumen.

Manufacturing milk may also be used, wholly or in part, in the manufacture of other foodstuffs to be sold at retail: *Provided*, That during the process of manufacture or immediately prior thereto, said milk shall have been subjected to a temperature of at least 140° F. for thirty consecutive minutes: *And provided further*, That for every degree above 145° F. the time during which such temperature must be maintained may be decreased by one minute. The time for maintaining such temperature, however, shall not be less than five minutes except for milk that is repasteurized for manufacturing purposes as provided in section 19 of this act.

SEC. 7. Milk or cream which does not conform to the requirements as defined in the general dairy law of California or with the requirements of either market milk or manufacturing milk as set forth in this act or which has been produced in an insanitary dairy or factory of dairy products or other insanitary place, or which has been handled in an insanitary manner is hereby declared to be impure and unwholesome and must not be sold for human consumption. Such milk must be kept in a distinctive container plainly marked with the words "Unfit for human consumption."

SEC. 8. When served by any hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment market milk shall be served

in the original bottle, the cap of which shall not be removed, except in the presence of the consumer or patron: *Provided, however,* That this provision shall not apply to cream so served.

It shall be unlawful for any person, firm, or corporation to sell, exchange, offer or expose for sale or exchange, or have on hand for sale or exchange or serve in any hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment any milk or cream to which any gelatin or other substance, except as provided in the general dairy law of California, has been added to increase the consistency of such milk or cream so as to make it appear richer or of better quality: *Provided, however,* That nothing in this act shall be construed to prohibit the standardization of milk and cream as provided in the general dairy law of California.

All the provisions of section 8 shall also apply to goat's milk.

It shall be unlawful for any person, firm, or corporation to sell or exchange or offer or expose for sale or exchange for human consumption, as and for cow's milk any cow's milk to which goat's milk has been added or, as and for goat's milk, any goat's milk to which cow's milk has been added.

SEC. 9. It shall be unlawful for any person, firm, or corporation to sell, or exchange, or offer or expose for sale or exchange, in any city, county, or city and county, in which a milk inspection service, approved by the department of agriculture of the State of California has been established, any milk other than as hereinafter provided in this act. For the purpose of this act the term "milk inspecting department" shall be construed to mean the health department of a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved in writing by the department of agriculture of the State of California, and such milk inspecting department shall include at least one regularly licensed physician. It shall be unlawful for any person, firm or corporation to sell or exchange, or offer or expose for sale or exchange, any milk as and for or under the designation, label or other representation of "guaranteed," "grade A," or "grade B" milk, except within a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved by the department of agriculture of the State of California: *Provided,* That a person, firm, or corporation which is authorized to sell milk within the jurisdiction of a milk inspecting department may sell milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any milk inspecting department, if local ordinances are not thereby violated, and also in territory within the jurisdiction of any other milk inspecting department if the consent of said other milk inspecting department has been previously obtained.

SEC. 10. Except as provided in section 16 of this act, all milk sold or exchanged, or offered or exposed for sale or exchange, except in bulk to the wholesale trade, in any county or group of counties, city or group of cities, or city and county, in which a milk inspection service, approved by the department of agriculture of the State of California has been established, except certified milk, guaranteed milk, grade A milk, grade B milk, and manufacturing milk as provided in section 16 of this act is hereby declared to be impure and unwholesome and must not be sold for human consumption.

SEC. 11. Where an approved milk inspection service is maintained as provided in section 9 of this act, milk shall be graded as follows: Certified milk, guaranteed milk, grade A milk, grade B milk, manufacturing milk, and milk unfit for human consumption.

SEC. 12. Certified milk is market milk which conforms to the rules, regulations, methods, and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commission[s], and must bear the certification of a milk commission appointed by a county medical association, organized under and approved by the Medical Society of the State of California, and must otherwise conform to the requirements of the so-called certified milk act, approved April 25, 1913 (Stats. 1913, p. 83).

SEC. 13. Guaranteed milk is milk either raw or pasteurized, the quality of which is guaranteed by the dealer in a written statement filed with an approved milk inspecting department and approved in writing by said department.

Before it approves any guaranteed milk, each milk inspecting department shall set a minimum standard for such milk produced under its supervision, which standard whether for raw or pasteurized shall be higher than that required for grade A raw.

SEC. 14. No person, firm, or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade A milk any milk that does not conform to the rules and regulations and the methods and standards for production and distribution of grade A milk adopted by the milk inspecting department. Grade A milk shall conform to the following requirements as a minimum:

If raw, it shall consist of clean, raw milk from healthy cows as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of a milk inspecting department, and by the tuberculin test by a qualified veterinarian under the supervision of the department of agriculture of the State of California, and from dairies that score not less than 70 per cent on the score card adopted by the department of agriculture of the State of California: *Provided, however*, That dairies where no two cows freshen within any four consecutive months and which are found by any milk inspecting department to comply fully with the remaining provisions of this act are hereby exempted from such scoring requirements and from the use of labels prescribed in section 20 hereof. The tuberculin test must be repeated annually, if no reacting animals are found in the herd. If reacting animals are found, they must be removed from the herd, and the tuberculin test repeated in six months. All cows are to be fed, watered, housed and milked under conditions approved by the milk inspecting department. All persons who come in contact with the milk must exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria, or other communicable diseases liable to be conveyed by milk. Absence of such germs shall be determined by cultures and physical examination, to the satisfaction of the milk inspecting department. This milk is to be delivered in sterile containers and is to be kept at a temperature established by the milk inspecting department until it reaches the ultimate consumer, when it must contain less than 100,000 bacteria per milliliter.

If pasteurized, it must come from cows free from disease as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of a milk inspecting department. It shall contain less than 200,000 bacteria per milliliter before pasteurization and less than 15,000 bacteria per milliliter at the time of delivery to the ultimate consumer. Dairies from which this milk is derived must score at least 60 on the score card approved by the department of agriculture of the State of California.

SEC. 15. No person, firm, or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade B milk any milk that has not been pasteurized or does not conform to the following requirements as a minimum: It must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of a milk inspecting department. Before pasteurization it shall contain less than 1,000,000 bacteria per milliliter and after pasteurization shall contain less than 50,000 bacteria per milliliter.

SEC. 16. Milk which contains more than 1,000,000 bacteria per milliliter but otherwise conforms to all the requirements of grade B milk shall be known as manufacturing milk and must not be sold for human consumption as market milk. It may, however, be used, wholly or in part, in the manufacture of food-stuffs to be sold at retail: *Provided*, That during the process of manufacturing or immediately prior thereto said milk shall have been subjected to a temperature of at least 140°F. for 30 consecutive minutes: *And provided further*, That for every degree above 145°F. the time during which such temperature must be maintained may be decreased by 1 minute. The time for maintaining such temperature, however, shall not be less than 5 minutes, except for milk that is repasteurized for manufacturing purposes as provided in section 19 of this act.

This section shall not be construed to prohibit, within the jurisdiction of milk inspecting departments, the use in the manufacture of butter, cheese, condensed milk, powdered milk, or by-products, as provided in section 6 of this act, of any milk permitted to be used for such purpose outside the jurisdiction of any milk inspecting department: *Provided, however*, such milk shall not be used except in a regularly licensed milk product factory, which has complied with all the provisions of the general dairy law of California and which has obtained, in writing, permission to operate within the jurisdiction of a milk inspecting department from the department of agriculture of the State of California.

SEC. 17. Milk not suitable for human consumption as provided in sections 7, 10, and 11 of this act may be sold for industrial purposes, provided it be heated

to a higher temperature than necessary for pasteurization, and delivered in a distinctive container, plainly marked with the words "Unfit for human consumption" in letters not less than one-quarter inch in length and one-twelfth inch stroke.

SEC. 18. If graded, market cream of any grade shall conform to all the standards set for market milk of the same grade, except that the maximum bacterial count for cream shall be not more than three times as great as that of the corresponding grade of milk.

SEC. 19. Milk for pasteurization must be kept at a temperature established by the milk inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of 50° F. or below and so maintained to the time of delivery to the ultimate consumer.

Except as otherwise provided in sections 6 and 16 of this act, pasteurization shall be by the holding method at a temperature not less than 140° F. for 30 minutes: *Provided*, That market milk shall not be heated above 145° F.

Every pasteurization plant shall be equipped with a sufficient number of self-registering devices to accurately record the temperature to which and the length of time for which the pasteurized product has been heated. Such records shall be kept for two months and be available for inspection by any authorized inspector, agent, or other employee of any health department or any milk inspection department or the department of agriculture of the State of California.

Milk may be repasteurized not to exceed once for manufacturing purposes. Repasteurized milk shall not be sold for market milk.

SEC. 20. The class or grade of all milk or cream sold, except in bulk to the wholesale trade, and the name and address of the producer or distributor (who shall be responsible for the quality of the contents and correct labeling as required by this act) shall at all times appear plainly and in a conspicuous place on or be securely attached to every bottle, cap, can, or container.

Milk sold or exchanged, or offered or exposed for sale or exchange, as and for graded milk under the designation, label, or other representation of "guaranteed," "grade A," or "grade B" milk shall have the name of the grade and whether raw or pasteurized marked on the container or cap of the container in capital letters not less than one-eighth inch long and one-sixteenth inch wide: *And provided further*, That milk not suitable for human consumption shall be plainly marked "Unfit for human consumption," as provided in sections 7, 10, 11, and 17 of this act.

No distinguishing names, marks, or words other than those specified in this act shall appear on any bottle, cap, can, or container to signify or describe the quality or in any other way distinguish the milk or cream contained therein from similar products of the same class or grade.

SEC. 21. Counties, or groups of counties, cities or groups of cities, or cities and counties, are hereby authorized to maintain a milk inspection service and laboratory conformable to requirements as set forth by the department of agriculture of the State of California.

SEC. 22. It shall be the duty of the department of agriculture of the State of California either directly or indirectly through authorized inspectors, agents or other employees or through local inspecting departments to inspect dairies and milk plants, to examine and test cows, to exclude reacting animals from the herds, to mark indelibly by tattooing the ear with the capital letter "T" 1 inch long, any cattle which under the provisions of this act have been tested with tuberculin and found to react to the test, to supervise or conduct and supervise milk scoring or other contests when deemed advisable; and to enforce all the other provisions of this act.

The department of agriculture of the State of California is hereby authorized to approve milk inspection service and to make such rules and regulations as may be necessary from time to time to enforce any provision of this act.

SEC. 23. It shall be the duty of the district attorney of each and every county of this State, upon application of the said department of agriculture, or of any milk-inspecting department in said county, or their authorized representatives, to attend to the prosecution, in the name of the people of any action brought for the violation of any of the provisions of this act within his county.

SEC. 24. It shall be unlawful for any person, firm, or corporation to fail, neglect, or refuse, or to direct or knowingly permit any employee to fail, neglect, or refuse to do any of the things required to be done by the provisions of this act or by the rules and regulations authorized in section 22 of this act; and it shall be unlawful for any person, firm, or corporation to do, or direct or knowingly permit any employee to do, any of the things prohibited by the provisions of this act or by said rules and regulations; and in every case the failure, neglect, or refusal to do

anything required by this act or by said rules and regulations; and the doing of anything prohibited by this act or by said rules and regulations, is hereby declared to be a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200.

Any person who violates any provision of this act or who directs or knowingly permits an employee to violate any of said provisions, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and such imprisonment.

Any firm, corporation, society, or association which violates any of said provisions shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$200.

In the event an officer, director, manager, or managing agent of any firm, corporation, society, or association violates any of the provisions of this act, or directs or knowingly permits any employee to violate any of said provisions, such officer, director, manager, or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and such imprisonment; and in such a case, the firm, corporation, society, or association shall also be guilty and upon conviction shall be fined not less than \$25 nor more than \$200.

SEC. 25. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Filled Milk—Manufacture or Sale Prohibited. Condensed or Evaporated Skimmed Milk—Sale. (Ch. 254, Act May 29, 1923)

SECTION 1. This act shall be known and may be cited or referred to as the "Prepared milk act."

SEC. 2. That for the purposes of this act, condensed, evaporated, and/or concentrated milk is defined as milk from which a considerable portion of water has been evaporated. The standard of composition of condensed, evaporated, or concentrated milk shall be that proclaimed and established, from time to time, by the Secretary of the United States Department of Agriculture. Condensed, evaporated, or concentrated skim milk is skim milk from which a considerable portion of water has been evaporated, and which contains not less than 18 per cent of milk solids. Skim milk, as herein used, is defined as milk from which a part or all of the cream has been removed and contains not less than $8\frac{1}{4}$ per cent of milk solids.

SEC. 3. It shall be unlawful any for person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, exchange, or have in possession with intent to sell or exchange, any milk, cream skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products, articles, or the derivatives thereof, or under any fictitious or trade name whatsoever: *Provided, however,* That the fat naturally contained in chocolate and not separated therefrom, is hereby declared not to be a fat or oil within the meaning of this act.

SEC. 4. It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated skim milk in containers containing less than 10 pounds avoirdupois. All hermetically sealed containers containing condensed or evaporated skim milk must bear the name and address of the manufacturer, distinctly branded, indented, labeled, or printed thereon, together with the words "Condensed skim milk" in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation, or label.

SEC. 5. Any person, firm, corporation, or association violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 6. The department of agriculture of the State of California is hereby charged with the enforcement of the provisions of this act.

SEC. 7. If any section, subsection, sentence, clause, or phrase of this act is for any reason declared to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby expressly declares that it would have passed this act and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

General Dairy Law. (Ch. 392, Act June 15, 1923)

SECTION 1. This act shall be known as the general dairy law of California.

SEC. 2. (a) It shall be unlawful for any person, firm, or corporation, by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer, or user of milk or products of milk, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale, or adulterated milk or cream, or any product manufactured wholly or in part therefrom. It shall be unlawful for any person, firm, or corporation by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer, or user of milk or products of milk, or to knowingly purchase or receive any milk that does not conform to the definition and standards established by this act, or any products of milk as and for any of the products defined by the provisions of this act, unless they shall conform to such definitions and standards as are established by this act.

(b) It shall be unlawful for any person, firm, or corporation by themselves, or their agents or employees, to sell, expose for sale, or offer for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing plant, milk pasteurizing plant, or other buyer, consumer, or user of milk or products of milk, or to knowingly purchase or receive any milk or product of milk which has been produced in or by a dairy or factory of dairy products in an insanitary condition, or that is handled by any carrier or in any store or depot that is in an insanitary condition, or that is produced from cows affected by any disease except as hereinafter provided.

SEC. 3. (a) Milk is the unadulterated, fresh, clean, lacteal secretion, all parts of which shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept (excluding that obtained within five days after or fifteen days prior to parturition), free from foreign substances detrimental to its quality or the quality of products prepared therefrom, and containing not less than 3 per cent of milk fat and not less than $8\frac{1}{16}$ per cent solids not fat: *Provided*, That nothing herein shall be construed to prohibit the standardization of milk at a uniform fat content not less than 3 per cent of milk fat. Milk shall have been produced from nonreacting tuberculin tested cows as determined by a test applied by a qualified veterinarian under the supervision of the department of agriculture of the State of California or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the said department of agriculture as provided for in section 21 of this act. Milk for manufacturing purposes may be repasteurized not exceeding once.

(b) Goat's milk is the unadulterated fresh, clean, lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy goats, properly fed and kept.

(c) Sheep's milk or ewe's milk is the undulterated, fresh clean lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy ewes, properly fed and kept.

(d) Milk unfit for human consumption is the product of the mammary glands of animals which does not conform to the requirements for milk or goat's milk or ewe's milk as defined in this act, or which has been produced in an insanitary dairy or factory of dairy products, or other insanitary place, or handled in an insanitary manner.

SEC. 4. Cream is that portion of milk rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than 18 per cent of milk fat and not more than 8 per cent of milk solids not fat in cream containing 18 per cent of milk fat and correspondingly less solids for greater percentages of milk fat. Cream shall have been produced from nonreacting tuberculin tested cows as determined by a test applied by an authorized veterinarian under the supervision of the department of agriculture of the State of California, or shall be pasteurized and shall other-

wise conform to the rules and regulations adopted by the said department of agriculture as provided for in section 21 of this act. Cream for manufacturing purposes may be repasteurized not exceeding once.

SEC. 5. (a) Evaporated or condensed milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated or condensed milk, whether sweetened or unsweetened, shall be that proclaimed and established by the secretary of the United States Department of Agriculture.

(b) Evaporated cream or clotted cream is cream from which a considerable portion of moisture has been evaporated.

(c) Evaporated or condensed skim milk is skim milk from which a considerable portion of moisture has been evaporated and contains not less than 18 per cent milk solids.

(d) Evaporated or condensed goat's milk is goat's milk from which a considerable portion of moisture has been evaporated and shall otherwise conform to the requirements adopted by the department of agriculture of the State of California.

SEC. 6. (a) Butter is the clean, nonrancid product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt, and a harmless coloring matter, and contains not less than 80 per cent of milk fat and not more than 16 per cent of moisture.

(b) Butter made from cream produced from cows which have passed an official tuberculin test shall be marked with the words "From nonreacting tuberculin tested cows"; that made from pasteurized cream shall be marked with the word "Pasteurized." Butter may be made from cream which does not conform to the requirements of section 4 of this act to be sold only in bulk to the manufacturers of foodstuffs: *Provided*, That said butter shall be used by manufacturers of foodstuffs only and in the manufacture of such foodstuffs said butter shall be subjected to a minimum temperature of 225° F.: *And provided further*, That it shall be unlawful to use any such butter except in the manufacture of food subjected to said temperature. Butter, which by the provisions of this section is permitted to be used in the manufacture of foodstuffs, shall be marked with the words "for cooking and baking only."

(c) Butter sold or offered for sale shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The words "Manufactured by" shall appear above the name, when the name of the manufacturer is given; the words "Distributed by" shall appear above the name when the name of the wholesale distributor is given; and the words "Put up for" or "Put up by," as the case may be, shall appear above the name when the name of the retailer is given. The name of any city, county, or other geographical designation or any word which may be pronounced the same as any city, county, or other geographical designation, other than the address of the manufacturer, wholesale distributor or retailer, whose name is printed on any package or wrapper, shall not appear thereon: *Provided*, That nothing in this section shall be construed to prohibit the use of a trade-mark or brand having a geographical name, copyrighted or registered in the office of the secretary of state of the State of California prior to the 1st day of January, 1923, A. D.

SEC. 7. Cheese is the sound, solid, or semisolid product made from milk, skim milk, or cream by coagulating the casein thereof with rennet, pepsin, or lactic acid, with or without the addition of ripening ferments and seasoning and with or without salt and with or without harmless coloring matter. Milk to be made into cheese shall conform to the following requirements as a minimum: It shall be unadulterated, fresh, clean, free from foreign substances detrimental to its quality or the quality of the products prepared therefrom, and shall have been obtained from the udder by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within 5 days after or 15 days prior to parturition. All cheese sold or offered for sale must be labeled to indicate the variety and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department of agriculture of the State of California under the rules and regulations provided for in section 21 of this act. If made outside of the State of California, it must be labeled with the name of the manufacturer or distributor. Cheddar, granular (California type), and Monterey (jack) cheese shall be labeled to indicate the grade whether full cream, half skim, or skim. Full-cream cheese must contain not less than 50 per cent of pure milk fat in its water-free substance. Half-skim cheese must contain not less than 25 per cent of pure milk fat in its water-free substance.

Skim cheese is cheese which contains less than 25 per cent of pure-milk fat in its water-free substance. Cheddar cheese must contain not more than 38 per cent of moisture. Granular (California type) cheese must contain not more than 40 per cent of moisture. Monterey (jack) cheese must contain not more than 42 per cent of moisture. Cottage cheese shall be made from pure milk or skim milk which has been pasteurized as provided in section 15 of this act. The standards of composition and requirements for labeling for other varieties of cheese shall be those promulgated by the director of agriculture of the State of California.

Sec. 8. (a) Ice cream is a frozen product made with pure, sweet milk, cream, skim milk, condensed milk, condensed skim milk, dried milk, dried skim milk, wholesome sweet butter, pure-milk fat, or any combination of any such products, with or without sweetening and with or without the use of harmless flavoring and coloring and containing not less than 10 per cent of milk fat nor more than six-tenths of 1 per cent of pure, harmless, edible vegetable gum or gelatine. All manufacturers of ice cream who manufacture ice cream from butter shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by said department of agriculture and may be revoked for violation thereof after due hearing by the director of agriculture.

(b) Fruit ice cream is ice cream which contains not less than 8 per cent of milk fat and not less than 3 per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths of 1 per cent of pure, harmless, edible, vegetable gum or gelatine.

(c) Nut ice cream is ice cream which contains not less than 8 per cent of milk fat and not less than 1 per cent by weight of sound, nonrancid nut meats, with or without the use of harmless flavoring and coloring, and containing not more than six-tenths of 1 per cent of pure, harmless, edible, vegetable gum or gelatine.

(d) Ice milk is a frozen product containing less milk fat than ice cream and made from pure sweet milk and sugar, with or without harmless flavoring and containing not less than $2\frac{1}{2}$ per cent of milk fat and not more than six-tenths of 1 per cent of pure, harmless, edible, vegetable gum or gelatine. All containers of ice milk shall be conspicuously labeled, and vehicles conveying ice milk and places where ice milk is sold shall display a conspicuous sign containing the words "Ice milk sold here" in letters not less than 6 inches high, and no person shall use the name "ice cream" in connection therewith either orally or written.

Sec. 9. The following products of milk enumerated in this section shall be deemed adulterated if they shall not conform to the following definitions and standards:

(a) Milk fat or butter fat is the fat of milk and has a Reichert-Meissl number not less than 24 and a specific gravity not less than 0.905 (milk fat at 40° C. compared with water at 40° C.). By Reichert-Meissl number is meant the number of milliliters of decinormal alkali required to neutralize the acidity of the distillate from 5 grams of fat treated in the manner described in the book entitled "Official and tentative methods of analysis of the Association of Official Agricultural Chemists," published by that association in the month of September, 1920, A. D.

(b) Skim milk is milk from which a part or all of the milk fat has been removed, which contains less than 3 per cent of milk fat and not less than $8\frac{1}{2}$ per cent of milk solids.

(c) Buttermilk is that portion of cream which remains after the separation and removal therefrom of milk fat in the process of churning, without the addition of water.

(d) Milk or skim milk, properly pasteurized and combined with fruit or fruit juices, chocolate, chocolate sirups, or other harmless sirups, with or without the addition of harmless coloring, may be used in the manufacture and sale of soft drinks under a trade name: *Provided*, Said trade name does not contain the words "milk" or "cream," or any words resembling milk or cream: *And provided further*, That said product shall be so colored or contain ingredients that cause it to look unlike milk or cream or any product thereof.

(e) Pasteurized skim milk or whole milk, or combination thereof, may be treated with lactic acid micro-organisms and sold under a trade name which shall not contain the words "milk," "cream," or "buttermilk."

Sec. 10. No person, firm, or corporation shall produce, manufacture, or prepare for sale, or sell, offer for sale or have on hand for sale, any milk, cream, or other product of milk to which has been added, or that may contain, any compound of

boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring. It shall be unlawful for any person to produce, manufacture, or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk or product of milk, to which any coloring matter except, as otherwise provided in this act, has been added by any person or to which any gelatine or other substance, except as otherwise provided in this act, has been added by any person to increase the consistency of such milk, or product of milk, so as to make it appear richer or of better quality. This section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatine or other substances named in section 8 of this act in the manufacture of ice cream, or the use of alkalies approved by the department of agriculture of the State of California in the manufacture of butter.

SEC. 11. All products defined in this act, when sold or offered for sale to the retail trade, shall be labeled with the correct name of the product as herein defined, and shall conform to all other requirements for special labeling of the products as otherwise provided in this act, or the rules and regulations for its enforcement. No person shall use the name of any product defined in this act in connection with its sale, either verbally, printed, or written, unless the product conforms to the definitions and standards herein required.

SEC. 12. (a) Imitation milk is: (1) Any mixture combined with or composed of skim milk, condensed, evaporated, or dried milk and any edible oil or fat, other than natural milk fat whether with or without any other ingredients, except that chocolate when used in combination with either whole or skim milk and sweetening shall not be deemed to be imitation milk. (2) Any mixture or compound made in imitation or semblance or having the appearance or semblance of milk or condensed or evaporated milk; or when so made or having such appearance or semblance calculated or intended, whether by intent of the manufacturer or other person, or by reason of the appearance or other characteristic of the mixture or compound, for use or disposition as or for milk, or as or for condensed or evaporated milk, or to induce its purchase, or use as or for milk or condensed or evaporated milk. Imitation milk shall contain not less than 3 per cent of edible oils or fats and, if evaporated or condensed, shall contain not less than 7 $\frac{1}{8}$ per cent of edible oils or fats. The manufacture and sale of imitation milk as herein defined shall, otherwise, be in accordance with chapter 59 of Statutes of 1919.

(b) For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard oil, cocoanut oil, peanut oil, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese: *Provided*, That the use of salt, rennet and a harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation: *And Provided*, That nothing in this section shall prevent the use of pure skim milk in the manufacture of cheese.

(c) No person, by himself or his agents or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance, or boarding house or public or private hospital, asylum, or eleemosynary or penal institution, any article, product, or compound made wholly or, partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by whatever means the coloring is accomplished: *Provided*, That nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter

provided, of substances or compounds, designed to be used as an imitation or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not re-sembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, a product of the dairy.

(d) Each person, who by himself or another, lawfully manufactures any oleomargarine or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than 1 inch in height by $\frac{1}{2}$ inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in this paragraph shall always be construed as representation that the contents of substance in question is butter or cheese, as the case may be.

(e) No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any oleomargarine or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided in paragraph (d) of this section; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting unless it shall be manufactured, marked and labeled as hereinbefore provided, and unless it is consigned and by the carrier receipted for by its true name: *Provided*, That this act shall not apply to any goods in transit between foreign States across the State of California.

(f) No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box, or other package containing the same shall be clearly and durably marked and labeled as provided by paragraph (d) of this section, and also contain a copy of the statement required by said paragraph (d) of this section; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in said paragraph (d) of this section, shall be kept with its face up, upon the exposed contents of said tub, firkin, box or other package: *Provided*, That this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose.

(g) No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser at the time of the sale, a separate and distinct copy of the statement described in paragraph (d) of this section; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words, "butterine," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in paragraph (d) of this section.

(h) No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as the compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in paragraph (d) of this section, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

(i) No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act, by or through any person, who was knowingly a party to such wrongful sale or other contract. Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

(j) No person shall efface, erase, cancel, or remove any mark, statement, or label required by this act, with intent to mislead, deceive, or with intent to violate any of the provisions of this act.

(k) Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter 3, of title 12, or [of] part 2, of an act to establish a penal code: *Provided*, That it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the department of agriculture of the State of California, or to any person by such department of agriculture authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1536 of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or oleomargarine, and not a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

(l) No person, firm, or corporation, by themselves, or their agents or employees, shall sell, offer for sale, or expose for sale, or have in his, its, or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be, in letters not less than one-half inch in height, and who shall not have secured from the said department of agriculture a license as provided hereinafter.

(m) Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from nonrancid butter) combined with other wholesome milk products, under special permit from the department of agriculture of the State of California, which otherwise conforms to the standards for butter required by this act, shall not be construed to be renovated butter.

(n) No person, firm, or corporation shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as hereinafter provided. Any person, firm, or corporation desiring to engage in the business or occupation of manufacturing, selling, dealing in, or furnishing to his, its, or their patrons, oleomargarine or any substance designed to be used as a substitute for butter, or

imitation butter, or adulterated butter, or renovated butter, as in this section defined, shall first make application each year to the said department of agriculture for a license, and upon payment of a license fee of the amount mentioned herein to the said department of agriculture, said department of agriculture shall issue to the applicant a license. All such licenses shall contain the following proviso: *Provided*, That this license does not authorize the holder thereof to manufacture, sell, deal in, or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble yellow butter in appearance. All said licenses shall expire on the 30th of June of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts named below annually. The fee for issuing said license to manufacturers of any of said substances within this State shall be \$100, and if issued to wholesale dealers in or importers or agents for importers of any of said substances the fee shall be \$50, and if issued to retail dealers in any of said substances the fee shall be \$5, and if issued to the keeper of any hotel, restaurant, boarding house, or other place where meals are served and payment is received therefor, either immediately or by the day, week, or month, the fee shall be \$2. The term "wholesale dealer" as used in this section, includes all persons, firms, or corporations who sell any of said substances in quantities of 10 pounds or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than 10 pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued. It shall be unlawful for any person, firm, or corporation to manufacture, buy, sell, deal in, or furnish to his, its, or their patrons, or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold-storage company, any oleomargarine, or similar substance designed to be used as a substitute for butter or any substance resembling butter, but not made wholly from pure milk or cream, or renovated butter as in this section defined, without first having applied for and obtained from the department of agriculture of the State of California the license herein required.

(o) Every person, firm, or corporation who is required by the provisions of paragraph (n) of this section to obtain and hold a manufacturer's or wholesaler's or importer's license shall keep a correct record in a form separate from all other business, in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold-storage company, boat, railroad, or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese, or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed in case of warehouses and cold-storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. All said records herein required to be kept shall, at all times during business hours, be open to the inspection of the agents and inspectors of the said department of agriculture and of any officer of any city or county board of health, and of any peace officer of any city or county of the State. A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the said department of agriculture or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor and punishable as provided herein.

(p) No imitation milk or cheese and no oleomargarine shall be used in any of the charitable or penal institutions that receive assistance from the State.

SEC. 13. (a) A dairy shall be deemed insanitary within the meaning of this act in the following cases:

(1) If the pails, cans, bottles, or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus, or equipment

coming in contact with the milk or its products are not thoroughly washed and afterwards sterilized by exposing them to water or water vapor at a temperature above 170° F. for a period of at least 15 minutes or by boiling water or by superheated steam each and every time the same are used; or if the said containers, utensils, appliances, or equipment after sterilization are not adequately dried and protected from flies and dust and all other contaminations; or if any of said containers, utensils, appliances or equipment shall be used for any purpose other than that of handling milk or the products of milk.

(2) If the udder, flanks, hind legs, and tail of cows are not reasonably clean during milking.

(3) If the milk or cream is not protected from contamination by dust and flies.

(4) If the person or wearing apparel of the dairyman, his employees, or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(5) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or consumer.

(6) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the purpose of separating, cooling, mixing, canning, and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any residence or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever; and if any milk or cream shall be separated, cooled, mixed, canned, or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, fowls, cows, hogs, or other animals.

(7) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure or other filth is permitted within 100 feet of the milk house or room, or within 50 feet of any cow stables or stanchions or other place where milking is done.

(8) If to the interior of cattle stables, barns, milking sheds, milk house or room an application of lime whitewash or paint is not made if in the judgment of an authorized inspector it is needed.

(9) If the walls become soiled with manure, urine, or other filth.

(10) If the yards or inclosures are filthy or insanitary, or if any part of such yards or inclosures, other than pastures, are made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(11) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable, or animal matter.

(12) If the feed is spoiled or otherwise unfit for feeding cows for the production of milk.

(b) The dairy farm score card used for the official scoring of dairies in the State of California shall be that established by the regulations adopted by the department of agriculture of the State of California as provided for in section 21 of this act.

Sec. 14. (a) A creamery or any factory of dairy products or any store, depot, or other place where milk is handled or kept for sale shall be deemed insanitary within the meaning of this act in the following cases:

(1) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(2) If the utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam, after each using, and if the cans or containers in which the milk or cream is received, transported, or delivered are not thoroughly washed, sterilized, and dried after emptying and before being sent out to be used again.

(3) If the floor is so constructed as to permit the flowing of water, milk, or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(4) If drains are not provided that will convey refuse milk, water, and sewage away to a point at least 50 yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughterhouse, manure, or any decaying vegetable or animal matter shall be within a distance that will

permit foul odors to reach any such creamery or other factory of dairy products or store or depot where milk or its products are sold or handled.

(5) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(6) If in any building or buildings used in connection with any creamery or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor or walls any milk or its products or any other filth is allowed to accumulate or ferment or decay, or if the bodies or wearing apparel of persons employed or coming in contact with any milk or its products in any creamery or factory of any dairy products are unclean and not washed from time to time with reasonable frequency, and if suitable toilet and lavatory facilities and clean towels are not provided for employees.

(b) The score cards used for the official scoring of factories of dairy products shall be those established by the regulations adopted by the department of agriculture of the State of California as provided for in section 21 of this act.

SEC. 15. (a) The process of pasteurization, as applied to milk, skim milk, cream, and other milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk, or cream, as the case may be, to a temperature of not less than 140° F. and of holding the same at a temperature between 140° and 145° F. for a period of not less than 30 minutes nor more than 1 hour, and immediately thereafter cooling the same to a temperature of not above 50° F.: *Provided*, That when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than is necessary for such ripening or starting. Market milk shall not be heated for more than one hour nor above 145° F. Milk or cream that is to be manufactured into butter or cheese may be pasteurized by heating above 145° F., and when the same is uniformly heated to and held at a temperature above 151° F., the time for holding may be decreased from 30 minutes by 1 minute for each degree of temperature above 145° F. If milk is repasteurized, it must not be sold for market milk.

(b) All apparatus used for the pasteurization of milk, skim milk, or cream shall be kept in strictly clean and sanitary condition, and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any milk, skim milk, or cream must be approved by and at all times subject to the approval of the department of agriculture of the State of California. All persons, firms, or corporations using pasteurizing apparatus within the State of California shall date, preserve, and keep on file for a period of not less than two months after the same are made all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the said department of agriculture, State board of health, and of all other State, county, and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

(c) No person, firm, or corporation shall sell, exchange, or offer or expose for sale or exchange, or have in its possession for sale or exchange, any milk, cream, skim milk, ice cream, butter, buttermilk, cheese, or other products of milk as and for pasteurized milk, cream, skim milk, ice cream, butter, buttermilk, cheese, or other products of milk, as the case may be, nor use the word "pasteurized" or any of its derivatives in connection with the sale, designation, advertising, labeling, or billing of any milk, cream, skim milk, ice cream, butter, buttermilk, cheese, or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk, or cream which has been treated by the process of pasteurization as defined and regulated in this section.

SEC. 16. (a) Every person, firm, or corporation, before regularly engaging in the business of receiving, manufacturing, or processing milk or products of milk, shall obtain a license to do so for each separate plant from the department of agriculture of the State of California. Upon receipt of an application for such license, the said department of agriculture shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be

received, processed, or manufactured, and provide the applicant with a copy of the dairy laws of the State. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by said department of agriculture to such applicant upon receipt of a license fee of \$10. All factory licenses shall expire the 31st day of December of each year and may be renewed on the first of each successive year: *Provided*, That such plant or the business thereof shall have been conducted in accordance with the requirements of this act during the next preceding year. Applications for renewal of said license shall be made within 30 days prior to the expiration of the year. The fee for the renewal of such license shall be \$1 for each 100,000 pounds of milk fat or part thereof, or each 400,000 gallons of milk or part thereof, purchased or received during the preceding fiscal year, ending the 30th day of June: *Provided*, In no case shall the renewal fee exceed \$10. Any factory license may be suspended or revoked by the said department of agriculture for violation of this act, or amendments thereto, or for violation of the rules and regulations for its enforcement as provided for in section 21 of this act.

* * * * *

SEC. 18. Every person, firm, or corporation not a common carrier, who receives from a private or common carrier in cans, bottles, vessels, or other containers, any milk, cream, ice cream, or other product of milk intended for human consumption, which has been transported over any railroad or boat or freight line, or by other common or private carrier, which said cans, bottles, vessels, or other containers are to be returned to the manufacturer, distributor, consignor, or shipper, shall cause the said empty cans, bottles, vessels, or other containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same, and every private or common carrier before accepting such cans or containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All milk bottles, cans, or containers of any kind in which dairy products are kept, stored, transported or delivered shall be sound, smooth, free from rust, or open seams and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Bottles, cans, tubs, cabinets, containers, or other receptacles commonly used for the reception, storage, or delivery of milk, cream, ice cream, or other products of milk shall not be used as a receptacle for or storage place of any vegetables, fish, fowls, meats, or other foodstuffs or refuse matter, bottles, or filthy or offensive substances, or for any other purpose than that for which it was originally intended. All empty cans, bottles, vessels, or other containers delivered to the producer by the manufacturer, retailer, or distributor for the reception of dairy products shall be kept by said producer in a clean, sanitary, sterile condition and shall be used for no other purpose whatsoever. All empty cans, bottles, vessels, or other containers delivered to the consumer by retailer or distributor shall be thoroughly cleansed before returning the same to the retailer or distributor.

SEC. 19. (a) All wagons, vehicles, or carts from which market milk, cream, butter, ice cream, buttermilk or ice milk are regularly sold, marketed, delivered, or peddled shall have the name and address of the owner plainly lettered thereon in letters at least 3 inches high and 1½ inches wide, on both sides of such vehicle. All carriers of milk, cream, or other products of milk, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shall maintain all cars, motor trucks, other vehicles, or boats in a clean and sanitary condition.

(b) All vehicles, boats, or conveyances, while transporting milk or cream or clean empty containers, intended for milk or cream, shall either be inclosed or provided with canvas covering or otherwise afford necessary protection from the direct rays of the sun and from the outside warm air and from dust, mud, rain, and other sources of contamination, when in the judgment of an authorized representative of the department of agriculture of the State of California, it is necessary. No milk or cream or other product of milk shall be transported in connection with or close to any other commodity from which it may absorb foreign flavors or which may contaminate it, and no milk or cream or empty containers used for milk or cream, shall be hauled in any vehicle used for hauling manure or garbage, or in any other unclean vehicle, car, or boat. All milk or cream cans or other shipping containers for products of milk shall be handled carefully and while containing milk, cream, or other products of milk, shall be

kept right end up: *Provided*, Nothing herein shall be construed to derogate from any powers or authority of the railroad commission of the State of California.

(c) No carrier of milk, cream, or other product of milk, whether gratuitous private carrier, private carrier for hire, or common carrier, shall receive or transport any milk, or cream, or product of milk after notification by an authorized representative of the department of agriculture of the State of California that such product is unclean, polluted, tainted, unwholesome, stale, impure, or adulterated, or has been produced in violation of the provisions of this act.

SEC. 20. The department of agriculture of the State of California is authorized under this act to gather and compile statistics relative to the dairy industry, and to disseminate the same and other information useful to the general good and development of the dairy industry of the State. The said department of agriculture shall provide blanks for reporting dairy statistics, and shall annually, on or before the 1st day of July of each year, cause to be mailed to each person, firm, or corporation engaged in operating any creamery, cheese factory, ice cream or ice milk plant, milk condensory, and market milk distributor when necessary one or more of such blanks, and each such person, firm, or corporation shall, on or before the 1st day of August following, make out and transmit to said department of agriculture a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream, or other dairy products produced, purchased, or manufactured or distributed during the fiscal year ending June 30 just preceding, and all milk or milk products plants purchasing milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, whenever possible, in each case.

SEC. 21. (a) It shall be the duty of the department of agriculture of the State of California to enforce the provisions of this act, and the director of agriculture shall promulgate such rules and regulations as are incidental to the enforcement of the provisions and accomplishment of the purposes of this act.

(b) The director of agriculture, through his agents or employees, is hereby authorized to enter upon and inspect any dairy premises, creamery, cheese factory, ice cream factory, or other place where milk, cream, or the products of milk of any kind are being produced, sold, handled, kept, transported, delivered, or used, or where they suspect that oleomargarine or substances designed to be used as a substitute for butter or imitation butter or imitation cheese or filled milk are being manufactured, sold, kept, delivered, transported, or stored in violation of any of the provisions of this act, and to take samples of dairy products, filled milk, or oleomargarine from such premises. The director of agriculture shall cause posters to be placed in a conspicuous manner on dairies throughout the State indicating in a brief and simple manner the most fundamental requirements for the production of dairy products.

(c) No tolerances in weights, measures, percentages of milk fat, moisture, or any other measure or standard shall be permitted under or according to the provisions of this act, except where specific provisions are made in this act.

(d) The director of agriculture, through his agents or employees, is authorized to condemn any milk, cream, butter, cheese, or other product of milk which is found to be impure, unclean, unwholesome, stale, or that is produced, or manufactured by or kept in an insanitary place, or that is adulterated, and shall have power to destroy or mark for identification with a nontoxic substance all condemned milk, cream, or products of milk: *Provided*, That no manufactured product of milk or cream may be destroyed without due notice to the owner thereof and a hearing before the director of agriculture of the State of California, or other officer especially designated by him.

(e) Containers found to be used in violation of the requirements of section 18 of this act shall be condemned and marked with the word "condemned" in an appropriate manner, and shall not be used again in connection with the handling of milk or the products of milk for human consumption until they have been cleaned or repaired in a manner acceptable to an authorized representative of the department of agriculture of the State of California.

(f) It shall be unlawful for any person, firm, or corporation to prevent or interfere with or to attempt to nullify in any way the work of the duly authorized representatives of the department of agriculture of the State of California or approved milk-inspecting departments, or to interfere with or prevent any such representative from examining any records or books in the conduct of his official duty, or to prevent or interfere with such authorized representatives in the event they deem it advisable to secure samples of imitation milk, or products

of milk or oleomargarine, or imitation butter or cheese or filled milk or any substance designed to be used as a substitute for milk or products of milk.

(h) No prosecution based on a sample or samples of milk or products of milk shall be had, unless a duplicate of said sample or samples is left with the accused: *Provided*, It shall not be required that samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milk fat in milk or cream be given to the accused.

(i) It shall be the duty of the district attorney of each and every county in this State, upon application of the department of agriculture of the State of California or its authorized representatives, to attend to the prosecution in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

SEC. 22. (a) It shall be unlawful for any person, firm, or corporation to violate any of the provisions of this act or amendments thereto, or the rules and regulations for its enforcement, or to operate a creamery or other factory of dairy products without a license as required in section 16 of this act. Any person, firm, or corporation who shall violate any of the provisions of this act, or the rules and regulations for its enforcement, shall be guilty of a misdemeanor, punishable by fine of not less than \$25 nor more than \$500, or by confinement in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment: *Provided*: That persons who shall offer physical resistance or bodily attack on authorized representatives of the department of agriculture of the State of California, or of an approved milk-inspecting department, engaged in the proper conduct of his official duties, shall be guilty of a misdemeanor, punishable by confinement in the county jail for not less than ten days without the alternative of a fine in any case: *And provided further*, That any person, firm, or corporation who shall operate a creamery or other factory of dairy products where milk or products of milk are processed or manufactured without a license to do so, or after his or their license has been suspended or revoked by the said department of agriculture, shall be guilty of a misdemeanor and shall also be liable to pay to the State of California the sum of \$100 for each and every day said person, firm, or corporation shall operate such creamery or other factory of dairy products without such license. Said moneys to be recovered by an action at law, brought by the attorney general in the name of the State of California

(b) The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any employee, officer, agent, or other person acting for or employed by any individual, partnership, corporation, company, society, or association within the scope of his employment or office, shall in every case also be deemed to be the act, omission, or failure of such individual, partnership, corporation, company, society, or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers, and boarding-house keepers, or any person who shall serve meals and accept money therefor.

SEC. 23. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more of the sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 24. The provisions of this act shall become effective in the usual time provided by law, except paragraph (c) of section 6, and section 16, which shall become effective the 1st day of January, 1924, A. D.

SEC. 25. An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products; and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying, and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure

its enforcement, and to appropriate money therefor," and to repeal all acts and parts of acts inconsistent with this act, is hereby repealed; and all other acts or parts of acts in conflict herewith are hereby repealed.

County Sanitation Districts—Creation, Government, Operation, Maintenance, and Powers of—Issuance of Bonds by. (Ch. 250, Act May 29, 1923)

SECTION 1. The board of supervisors of any county of the State may create, maintain, and govern sanitation districts within the county as in this act provided.

SEC. 2. Any board of supervisors desiring to create a sanitation district shall adopt a resolution of its intention so to do. Such resolution shall contain the following matters:

- (a) A statement of the intention of the board of supervisors to create a sanitation district;
- (b) The boundaries of the proposed district or some other designation of the territorial extent of the district;
- (c) The name of the district;
- (d) The time and place where objections to the formation of the district or to the extent thereof may be heard; and
- (e) Instructions to the clerk of the board to publish said resolution and notices of the hearing provided thereby as hereafter required by this act.

Said district as created may include either unincorporated territory or both incorporated and unincorporated territory. The incorporated territory included in any such sanitation district may include the whole or part of one or more incorporated cities: *Provided, however,* That less than the whole of any incorporated city shall not be included in such district except by unanimous consent of the governing body of such city: *Provided further,* That such district shall not include the whole or part of any other district formed for similar purposes.

The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of such resolution, and the place of such hearing shall be the regular meeting place of the board of supervisors or else some place within the boundaries of the proposed district.

The resolution shall, prior to the time of hearing, be published at length twice in at least one of the newspapers of general circulation in the proposed district and brief notices of the passage of such resolution and the time and place of hearing provided thereby may be published in one or more of the daily and weekly newspapers published and circulated in said proposed district.

SEC. 3. At the time provided in the resolution of intention or at any time to which the hearing may be continued, the board of supervisors shall hear any objections to the creation of the district or to the extent thereof. At such hearing the board of supervisors may exclude any territory which in the opinion of the board would not be benefited by being in the district.

If written objection to the creation of the district, signed by 2 per cent of the registered electors of the district be filed with the board it must, and in any event it may, either adopt an order abandoning the creation of the proposed district, or order the matter of the creation of the district with the boundary lines determined upon at the close of the hearing to be submitted to the electors of the district at an election to be called for that purpose. At such election only qualified registered electors shall be permitted to vote. Election precincts shall be established by the board and election boards composed of one inspector, one judge, and one clerk shall be named. At least one week prior to the election notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

SEC. 4. At the conclusion of the hearing or in the event an election is held then upon the completion of the canvass of the election returns showing that a majority of those voting upon the question of the creation of the district and that a majority of those voting thereon in each municipality or part thereof were favorable thereto, the board of supervisors may, if it deems best, make an order creating the district and thereupon the same shall be created. Such order must contain the name of the district, and a description of the boundaries or otherwise indicate the territorial extent thereof. Such order shall be conclusive evidence of the regularity of all proceedings prior thereto, except the adoption and publication in full of the resolution of intention and of the fact of the hearing held thereunder.

SEC. 5. Such sanitation district shall be governed by a board of directors of not less than three members. The presiding officer of the governing body of each incorporated city, the whole or part of which is included in such district, shall automatically become a member of such board of directors. If unincorporated territory and but one incorporated city or part thereof be included in such district, the presiding officer, and one other member, of the board of supervisors of the county in which said district is organized shall be members of the board of directors, unless the population of such city or part thereof exceed that of the unincorporated territory included within such district, in which event the presiding officer of such board of supervisors and the presiding officer of the governing body of such city and one other member of such governing body shall constitute such board of directors; but whenever unincorporated territory and two or more cities or parts thereof are included in such district, the presiding officer of the board of supervisors of the county in which such district is located shall be a member of such board of directors. In the event such district contains no unincorporated territory, the board of directors thereof shall consist of the presiding officers of the governing bodies of the cities wholly or in part within said district; and in event there be but two cities or parts thereof in such district, one additional member shall be selected from the governing body of each such city. In the event the whole of such district shall be unincorporated territory, the board of supervisors of the county in which the district is organized shall be and constitute such board of directors. In governing the district such board of directors shall have the following powers:

(a) To employ such sanitation experts, surveyors, counsel and other persons as may be needed to carry into effect any of the powers hereinafter given.

(b) To acquire real or personal property and rights of way, in the name of the county, necessary or convenient for the construction and maintenance of and to construct and maintain within or without the district a sewerage system and sewage disposal or treatment plant: *Provided, however,* That no such sewerage system or sewage disposal or treatment plant shall be constructed or maintained in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

(c) To issue bonds of the district in the manner hereinafter set forth.

(d) To levy and collect an assessment upon all the taxable real property within the district sufficient to meet the obligations evidenced by the bonds and to maintain the works of the district.

SEC. 6. Upon the creation of any sanitation district it shall become the duty of the board of directors to employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. Such resolution shall direct such engineer or engineers to prepare and file with the board of directors of the district a report setting forth:

1. A general description of existing facilities for sewage collection, treatment, and disposal.

2. A general description of the work proposed to be done to carry out the objects of the district.

3. A general plan and general specifications of such work.

4. A general description of the property proposed to be acquired or damaged in carrying out said work.

5. A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

6. An estimate of the cost of such proposed work.

Such engineer or engineers shall have authority, subject to the direction of the board of directors, to employ such surveyors and others as may be necessary to prepare such report. The board of directors may at any time remove any or all the engineers or other persons employed under the provisions of this act, and may fill all vacancies however arising.

7. When the engineers' report is filed the board of directors shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of the preceding section and is satisfactory to said board the board shall fix a time and place for hearing objections to said report and to the doing of the work therein referred to or to any part thereof. Notice of said hearing shall be given by the board by publishing the same for at least five times in a daily or twice in a weekly newspaper circulated in the district, as the board may direct. At the

time and place so fixed, or at such time and place to which the hearing may be from time to time continued, the board shall hear all objections made.

At the conclusion of the hearing the board shall either order the report to be changed to conform to some or all the objections made or shall approve and adopt the report as made. In the event changes in the report are ordered a further hearing shall be had upon the same as amended and reported back to the board as above provided and further hearings shall be had until the board of directors approves and adopts said report. It may thereafter have such portions of the report as are adopted to publication or a résumé thereof published for free distribution to the public.

SEC. 8. After the approval and adoption of said report the board of directors of the district shall proceed to submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution. Such resolution shall state: (a) The general objects and purposes for which it is proposed to incur an indebtedness; (b) a reference to the report filed with the board of directors for particulars; (c) the amount of the principal indebtedness proposed; (d) the part of the principal to be paid each year, which part shall not be less than one-fortieth; (e) the rate of interest to be paid, which rate shall not be more than 6 per cent; (f) the date of such election; (g) the election precincts, polling places, and election officers.

For the purposes of the special election the board of directors may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

An election board consisting of one inspector, one judge, and one clerk shall be appointed by the board of directors for each precinct.

Only qualified registered electors of the district shall be eligible to vote at such election.

The resolution calling the election shall be published once a week for three successive weeks in such newspaper having a general circulation in the district as the board of directors may designate. No other notice of such election need be given.

SEC. 9. If at such election two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, then bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

The validity of such bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this act authorizing the issuance thereof are unconstitutional, or that the hearing provided for in section 2 hereof was not legally held or proper notice of it was not given.

The board of directors shall, subject to the provisions of this act, prescribe by resolution the form of the bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of directors may determine, except that no bonds shall be of a less denomination than \$100, nor of a greater denomination than \$1,000. They shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per cent per annum, and shall after the first year be payable semiannually. Said bonds shall be signed by the chairman of the board of directors, and countersigned by the auditor of said district, and the seal of the board of directors shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 10. The said board of directors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county

to the credit of the construction fund of said district, and the proper record of such transactions shall be placed upon the books of the treasurer. Said construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as other demands upon the funds of the county.

SEC. 11. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the said board of directors of said district shall have power and authority, at the expiration of six months after such election, to call or order another election for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of the district.

SEC. 12. Whenever bonds have been issued by said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of directors shall by resolution passed by a vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance of additional bonds for carrying out any of the objects of the district, said board of directors may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof shall be deemed to apply to such issue of additional bonds.

SEC. 13. Any bonds issued under the provisions of this act shall be a lien upon the property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property within said district, and all the real property in the district shall be and remain liable to be taxed for such payments as hereinafter provided. Such bonds shall not be taxable in this State.

SEC. 14. The board of directors shall levy a tax each year upon the taxable real property in such district sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of said district fund, and shall be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of said county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

SEC. 15. The board of directors shall have power to levy a tax in any year upon the taxable real property in said district to pay the cost of maintaining, operating, extending, or repairing any work or improvements therein. Said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the operating fund of said district, and said board of directors shall have the power to control and order the expenditure thereof for said purposes: *Provided*, Payments from said operating fund shall be made upon demands prepared, presented, allowed, and audited in the same manner as other demands upon the funds of the county.

SEC. 16. The engineer or engineers employed by the board of directors to make the report by this act required, or another engineer or other engineers, shall be directed by the board of directors to superintend the doing of the work recommended to be done in the report as approved and adopted.

Such work, or any portion of it, may be done in any of the following ways as ordered by the board of directors:

1. By purchasing the material and doing the work by day labor,
2. By purchasing the material and letting a contract for the doing of the work.
3. By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for such bid published once a week for at least two successive weeks in a newspaper circulated in the county and which notice refers to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over \$1,000, and there is no purchasing agent, such material shall be purchased from the lowest responsible bidder as above provided.

Any work recommended to be done in the report approved and adopted by the board of directors shall be done in conformity with the general plans and specifications contained in such report unless the board of directors shall by a four-fifths vote adopt a resolution declaring that the public interest requires a modification of or departure from such plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

SEC. 17. It is not the intention of this act that other than the main trunk lines of the sewerage system of the district shall be constructed under the provisions of this act, but that the laterals and collecting lines shall be constructed by the county, cities, or other governmental agencies as by law may be provided. Connection of laterals or collecting lines to the main trunk lines shall be made at points and in the manner to be directed by the engineer of the district under instruction from the board of directors.

The determination by the board of directors of what are main trunk lines within the meaning of this act shall be final and conclusive.

SEC. 18. A right of way in or across any public highway, street, or property within the district is hereby granted to the district wherever such right of way is found by the board of directors to be necessary or convenient for doing any of the work by this act authorized.

SEC. 19. The board of directors may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system or sewage disposal or treatment plant necessary or convenient to carry out any of the objects authorized by this act or may acquire by agreement or in any manner the right to use the same. Whenever any sewerage system or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of the funds of the district all the outstanding bonds according to their terms, and the principal sum thereof remaining unpaid shall be credited to the district and deducted from any sum to be paid to the city or governmental agency therefor. Funds may be obtained to pay the principal and interest on such bonds as in section 14 above provided for paying the principal and interest on the bonds therein referred to.

Each city and governmental agency within the district is hereby authorized to enter into an agreement or agreements with the district for the use of or entire possession and operation by the district of any sewerage system or sewage disposal or treatment plant owned or operated by such city or governmental agency.

SEC. 20. Whenever any community within the district is provided with a sewerage system the governing body of the city within which such community lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with such sewerage system.

SEC. 21. The cost of preparing the report required by section 6 of this act, including the compensation paid any engineer and other employees of the district, shall be a charge against the district and shall be paid from the first available funds of the district.

SEC. 22. This act, and every part hereof, shall be liberally construed to promote the objects hereof and to carry out its intents and purposes.

SEC. 23. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 24. This act may be designated and referred to as "county sanitation district act," and any reference thereto by such designation shall be deemed sufficient for all purposes.

Sanitary Districts—Provision of Law Relative to Bonded Indebtedness of, Repealed. (Ch. 200, Act May 24, 1923)

SECTION 1. Section 28 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution, and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal, and retirement of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved May 25, 1919, as amended, is hereby repealed.

Sanitary Districts—Legalization of Certain Bonds of. (Ch. 166, Act May 17, 1923)

SECTION 1. In all cases where the sanitary board of any sanitary district in this State has called an election for the purpose of submitting to the qualified electors residing in such district the question whether the bonds of such district shall be issued and sold for any purpose authorized by law, and where at such election not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, the power of such sanitary district to issue such bonds and all the acts and proceedings of such sanitary board leading up to and including the issuance and sale, or the proposed issuance and sale, of such bonds are hereby legalized, ratified, confirmed, and declared valid to all intents and purposes; and all such bonds sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be valid and binding obligations of and against said sanitary district so issuing and selling the same. And the full faith and credit of such sanitary district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. This act shall not operate to legalize any bonds of any sanitary district that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such sanitary district voting at any such election, or any bonds which have been sold for less than their par value.

Sanitary Districts—Formation, Government, Operation, Maintenance, Dissolution, and Alteration of Boundaries of—Issuance of Bonds by. (Ch. 171, Act May 17, 1923)

SECTION 1. Whenever 25 persons in any county of the State shall desire the formation of a sanitary district within the county, they may present to the board of supervisors of such county a petition, in writing, signed by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that the lands included within such boundaries shall be organized as a sanitary district under the provisions of this act. Each of the petitioners must be a resident and freeholder within the proposed district. The petition must be verified by the affidavit of one of the petitioners, and must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation published in the county, together with a notice stating the time when said petition will be presented to the board of supervisors, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear said petition, and may adjourn such hearing from time to time. The said board shall not modify the boundaries of the proposed district as set forth in said petition so as to exclude from such proposed district any land which would be benefited by the formation of such district, nor shall any lands which will not in the judgment of said board be benefited by such district be included within such district.

If said board shall conclude that any lands have been improperly omitted from the proposed district and the owners thereof shall not have appeared at such hearing, said board shall by order continue the further hearing of said petition, and direct that notice shall be given to all such nonappearing landowners, requiring them to appear before said board and show cause, if any

they have, why their lands should not be included in the proposed district. Said notice must be given either by publication in the same manner as the original petition and for the same period, or by personal service thereof on each such nonappearing landowner. If such notice be given by personal service, such service must be made at least three days prior to the date fixed for such further hearing. The board may grant further continuances, by order entered upon its minutes; to the end that a full hearing may be had.

SEC. 2. Upon the final hearing of said matter, the board, if it shall approve said petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the district, as determined by said board, and ordering that an election be held in said proposed district. The order must fix the day of such election, which must be within 60 days from the date of the order, and must state that at such election persons to fill the offices provided by this act, viz, a sanitary assessor, and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

SEC. 4. The board of supervisors, at least 15 days prior to the election, shall select 1, and may select 2, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballots shall contain the words, "Sanitary district: Yes," "Sanitary district: No," or words equivalent thereto, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the order calling said election (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If a majority of the votes cast shall be against a sanitary district, the board shall by order entered in its minutes so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

SEC. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct, reconstruct, alter, enlarge, lay, renew, replace and maintain such sewers, drains, septic tanks, and other drainage and sewage-disposal system as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided; and to assess, levy, and collect taxes to pay the principal and interest of the same and the cost of laying and the expense of maintaining any sewer or sewers that may

be constructed subsequent to the issuance of said bonds or any lawful claims against said district and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and all other sanitary regulations not in conflict with the constitution or laws of the State; any violation of any such regulations or ordinances is hereby declared to be a misdemeanor punishable by fine or imprisonment, or both; but no such fine shall exceed the sum of \$100, and no such imprisonment shall exceed one month; to call, hold and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers, drains, or other sewage-disposal system; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

SEC. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

SEC. 7. There shall be an election for sanitary assessor on [in] every even-numbered year in which members of the sanitary board are elected, and at the same time, place, and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his successor: *Provided*, That if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

SEC. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property, which shall be substantially the same as the descriptions contained on the county assessment roll for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon.

When in the judgment of the assessor any property within the boundaries of a sanitary district can not be fully served or benefited by the sewer system installed in such sanitary district, he shall assess such property according to benefits received by said property from said sewer system within said sanitary district.

No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description or in other parts of the assessments shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year, after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves,

by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. Each of the members of the sanitary board shall receive for each attendance of the meeting of the sanitary board \$5, and shall receive no other compensation; no member of the sanitary board, however, shall receive pay for more than one meeting in any calendar month. All elections for officers after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days before the day of such election the sanitary board must give notice of said election by posting notices thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign, and deliver certificates of election to the person or persons elected.

SEC. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president and another of its members as secretary. And all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both, as the case may be.

SEC. 11. On the first Monday of July each year, at the hour of 7.30 o'clock p. m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor, said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been examined, rectified, and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each \$100 to be levied for each fund and shall designate the fund into which the same shall

be paid; but no more than 15 cents on each \$100 shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply. The total outstanding bonds of such district shall at no time exceed in the aggregate 15 per cent of the assessed value of all the real and personal property of such district.

SEC. 12. As soon as practicable, but not later than the third Monday in July after the taxes have been computed and extended on the assessment list, verified by the assessor, and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, the list so made, or a duplicate thereof, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act: *Provided*, That the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act.

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer: *Provided further*, That the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law.

SEC. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, and for the retirement of bonds which had been issued by a district which formerly formed a part of the sanitary district as hereinafter provided for, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

SEC. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question

whether the bonds of such district shall be issued and sold for the purpose of raising money for construction, reconstruction, alteration, laying, renewing replacing, or enlargement of sewers, drains, or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

The order calling such election shall be valid and effectual when signed by two-thirds of the members of said sanitary board, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected, or said order may submit at said election as separate questions the issuance of bonds for any of said outlays singly or in such combinations as the order may direct.

SEC. 15. Notice of such election shall be given by posting notices, signed by the board, or by a majority thereof, in three public places in the district, not less than twenty days before the election; and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if any newspaper is published therein, and if not, in a newspaper printed and published in the county.

SEC. 16. Such notice shall contain:

1. Time and place of holding such election.
2. The names of the officers of election appointed to conduct the same.
3. The hours during the day in which the polls will be open.
4. A statement of the purpose for which the election is held.
5. The amount and denomination of the proposed bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

SEC. 17. At any time prior to the day fixed for the election, the board shall select one, and may select two, polling places within the district, appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election. If no election officers are appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them and they shall conduct the election. The vote must be by ballot (without reference to the general election law in regard to form of ballot). The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the persons voting at said bond elections shall put a cross (X) upon their ballots after the words "Bonds—Yes" or "Bonds—No" (as the case may be) to indicate whether they have voted for or against the issuance of bonds.

The elections shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided.

Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the elections above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which board shall on the seventh day after the election, at 8 o'clock p. m., meet and canvass the returns of the election, and if it appears that two-thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two-thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

SEC. 18. All bonds issued under the provisions of this act shall be of such denominations as the sanitary board may determine, except that no bonds shall be of a less denomination than \$100, nor of a greater denomination than \$1,000. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding 6 per cent per annum, which interest shall be payable semiannually in like gold coin. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively, beginning with

number 1, and shall have coupons attached referring to the number of the bond to which they are attached. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the sewer construction fund of _____ sanitary district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; provided that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act.

SEC. 19. If the result of the election be against the issuance of bonds, no other election upon the question shall be called or held for a period of one year. After a district organized under the act of 1891, mentioned in section 31 hereof, shall have been reorganized under this act as provided in said section 31 hereof, the entire amount of unredeemed bonds issued by such districts under the provisions of said act of 1891 may be presented by the holder or holders thereof to the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section 31 of this act, and there shall be exchanged therefor and issued in lieu thereof to such holder or holders, by the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section 31 of this act, bonds issued in accordance herewith for the various amounts of the bonds so surrendered; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holder thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable as nearly as practicable at the same time as said installments and in equal amounts; the amount of said new bonds issued in lieu of said old bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the treasurer of said county as evidence of such cancellation.

SEC. 20. The sanitary board of each district shall annually levy a tax upon the taxable property in the district sufficient to pay the interest of said bonds for the year, and such portion of the principal as is due or is to become due during such year, and in any event the tax must be high enough to raise annually a proportion of the principal of said bonds equal to the sum produced by dividing the whole amount of said bonds outstanding by the number of years said bonds then have to run, so that the entire amount of principal and interest of said bonds shall be paid at or before maturity, and in any event within forty years of the date of issuance of the bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so levied. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within forty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his or its respective part toward the levy, collection, and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court, upon application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

SEC. 21. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence, in the superior court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds provided for by an act entitled "An act to provide for the organization and government of irrigation districts and

to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897; and all acts amendatory thereof and supplementary thereto, and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

SEC. 22. Any general regulation of the sanitary board shall be entered in the minutes, and such regulation shall be published once in some newspaper published within the district, if there be one, and if there be no such newspaper then such regulation shall be posted for one week in three public places within the district. A subsequent order of the board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this act), but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

SEC. 23. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject, and it shall be the duty of the district attorney to obey such instructions and to give advice when called on by the board therefor. The board may at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

SEC. 24. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such or any other dissolution the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town the whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county until the formation of a city or town embracing the territory lying without such incorporated city or town: *Provided, however*, That if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve the district shall dissolve the same for all purposes, excepting only the levy and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying, and collecting the same, and the expense of maintenance of said sewer system, and from the time such district is thus or otherwise dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the legislative authority of said incorporated city or town, where the property of the district lies wholly within the corporate limits of an incorporated city or town, and in all other cases the board of supervisors are hereby constituted, ex officio, the sanitary board of such district. And it is hereby made obligatory upon such board or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, and for the purpose of maintenance of the sewer system as herein provided, and said board or legislative authority shall maintain the sewer system installed in proper condition and shall fulfill and compel fulfillment of any and all contracts made by the sanitary district for the right of connections made with property lying outside of the boundaries of said district; and shall maintain and protect all other rights acquired by the district; and shall not permit connection to be made with the system installed by any property outside of the boundaries of said sanitary district existing at the time of dissolution.

SEC. 25. The sanitary board shall have power, except in incorporated cities or towns, at any time after main sewers or other sewers are laid, to order and contract for the construction of a sewer in any street, highway, or upon prop-

erty and rights of way owned by the sanitary district or part of any street, highway, or property or rights of way owned by sanitary districts where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer or to be borne by a district as ordered: *Provided, however*, That the sanitary board may so order and contract for the construction of a main sewer and provided that the cost thereof shall be borne by the property fronting the line of the sewer, or be borne by a district as ordered, by unanimous vote of the board, if only a portion of the property in the sanitary district will be affected or benefited by the construction of such main sewer. The provisions of that certain act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds" (approved April 7, 1911), and the amendatory acts thereto, is hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said act and the amendments thereto: *Provided, however*, That the words "city council" and "council" used in said act shall be understood to mean sanitary boards. The words "city" and "municipality" shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district" and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein: *And provided further*, That all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

SEC. 26. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: A petition signed by 25 per cent of the freeholders residing in such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to such sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than \$100, to be approved by said sanitary board and filed with the secretary of the sanitary board as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district. The petition must be verified by the affidavit of one of the petitioners and must be published for at least two weeks preceding the hearing thereof in a newspaper of general circulation published in the sanitary district, if there be one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the time when said petition will be presented to the sanitary board and that all persons interested therein may appear and be heard. At such time the sanitary board shall hear said petition and may adjourn such hearing from time to time. The said sanitary board shall not modify the boundaries of such contiguous territory proposed to be annexed as set forth in said petition so as to exclude therefrom any land which would be benefited by the annexation of such territory to said sanitary district, nor shall any lands which will not in the judgment of said sanitary board be benefited by annexation to said district be included within the boundaries of the territory proposed to be annexed.

SEC. 27. Upon the final hearing of said matter the sanitary board, if it shall approve said petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the contiguous territory proposed

to be annexed and ordering that an election be held for the purpose of determining whether or not such proposed territory shall be annexed to said district. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the territory proposed to be annexed to said district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the territory proposed to be annexed to said district.

A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election, the board shall select one and may select two polling places within the sanitary district, and shall select one and may select two polling places within the district proposed to be annexed, appoint officers of election, and make all necessary and proper arrangements for holding the election. Upon the ballots to be used at such election there shall be printed the words "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each such proposition. The election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board which shall, as soon as practicable proceed to canvass the same. Immediately upon the completion of such canvass said sanitary board shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such sanitary district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all of the votes cast in such sanitary district and a majority of all the votes cast in the district proposed to be annexed, are in favor of annexation the secretary, or other officer performing the duties of secretary of the sanitary board of such sanitary district shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted and filed with the board of supervisors of the county in which such sanitary district is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and the facts stated in such entry. Said board of supervisors, at its next regular meeting after filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district. If at said election less than a majority of the votes cast in either the sanitary district or the district proposed to be annexed be in favor of annexation of the proposed territory to the sanitary district, the signers of said petition shall, within ten days after the canvassing of the votes of said election, pay to the sanitary board a sum of money covering the reasonable cost of said election, and if said sum of money is not so paid within ten days, as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable cost of said election, and the sanitary board shall, by order, disapprove said petition and enter the same in the minutes of said board, and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of said petition, except to collect the costs of said election as herein provided.

At any time after the annexation of such contiguous territory the sanitary board may issue bonds for the construction of sewers therein in the manner and for the purposes prescribed and specified in sections 14 to 21, inclusive, of this act: *Provided, however,* That only qualified electors resident within said annexed territory shall be entitled to petition or vote in said proceedings: *And provided fur-*

ther, That taxes for the payment of the principal and interest of such bonds shall be limited to the taxable property situate within such annexed contiguous territory: *Provided further*, That nothing in this section shall be construed to limit the powers or alter the procedure elsewhere in this act provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property therein whether the boundaries of the district remain as originally established or have been altered by the annexation of contiguous territory.

SEC. 28. At any time after the sewer or other sanitary system is constructed the board of trustees or other governing body of any municipal corporation lying within the limits of any sanitary district may elect to keep and maintain the lateral sewer lying within said municipality in order and repair and may enter into an agreement with the sanitary board so to do. From and after the date of such agreement said board of trustees shall keep said lateral in repair and the sanitary board shall not be required to keep the same in order or repair. After a municipality elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of such municipality shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within such municipality.

SEC. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall by order passed by a vote of two-thirds of all its members and approved by the president of the board, which order shall be entered in the minutes, determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying contiguous territory, demands the construction of a larger main sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage.

The proceedings in respect to the issuance of bonds for such purposes shall in every respect, except as in this section otherwise provided, conform to the requirements of sections 14 to 21, inclusive, of this act.

SEC. 30. The mode of nomination of election of all elective officers of such sanitary district, to be voted upon at any sanitary election, shall be as follows and not otherwise: The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed with the secretary of the board, when the district is already formed, or with the clerk of the board of supervisors when the election is for the purpose of forming a sanitary district, in his behalf in the manner and form as follows: The petition of nomination shall consist of not less than five nor more than twenty signatures and shall read substantially as follows:

PETITION OF NOMINATION

STATE OF CALIFORNIA, } ss:
County of _____,

I (or we) the undersigned certify that I do hereby join in a petition for the nomination of _____ for the office of _____ of the sanitary board of sanitary district No. _____ to be voted for at the sanitary election to be held in sanitary district No. _____ of the county of _____ on the _____ day of _____, 19—; and I further certify that I am a qualified elector, residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above office, or in case there are several places to be filled in the above named office that I have not signed more petitions than there are places to be filled in the above office.

(Signed) _____

STATE OF CALIFORNIA, } ss:
County of _____,

_____, being first duly sworn, deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures thereto are the genuine signatures of the persons whose names are signed thereto.

The certificate of nomination may be upon one or more papers, which certificate must contain the name of one candidate and no more.

Each signer must be a qualified elector, residing within said district, and must not at the time of the signing a certificate have his name signed to any other

certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office signed to more certificates for that office than there are places to be filled for that office. The certificate or certificates shall be verified under oath of one of the signers thereto that the signature or signatures is or are the true and genuine signatures of the persons whose names are signed thereto.

A petition or petitions of nomination, as aforesaid, may be presented to the secretary of the sanitary board, where a sanitary district is already formed, or to the county clerk, where a sanitary district has not been formed, not earlier than thirty days nor less than twenty days before the election. The secretary of the sanitary board, where a sanitary district is already formed, or the county clerk, where a sanitary district has not been already formed, shall indorse thereon the date upon which the petition was presented to him. When a petition of nomination is presented for filing the secretary of the sanitary board, where a sanitary district is already formed, or the county clerk, where a sanitary district has not been formed, shall forthwith examine the same and ascertain whether or not it conforms with the provisions of this section. If found not sufficient, it shall be returned to the person who presented the same. The secretary of the sanitary board, or the county clerk, shall cause the ballots to be printed and they shall contain the names of the candidates whose nomination petition or petitions have been filed as provided for herein.

SEC. 31. Any territory organized or reorganized as a sanitary district under the act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, or under the act entitled "An act to provide for the formation, government, operation, reorganization, dissolution, and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal, and retirement of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved May 25, 1919, may be organized as a sanitary district under the provisions of this act. To effect such reorganization, a petition, signed by not less than twenty-five residents and freeholders within such territory, and also by a majority of the members of the sanitary board of such district, shall be presented to the board of supervisors of the county in which such territory is situate. Such petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that the same be reorganized under the provisions of this act. Said petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation published in the county, together with a notice stating the time when such petition will be presented to the board of supervisors, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear said petition. The said board shall not modify the boundaries of the said district as set forth in said petition so as to exclude from said district any land which would be benefited by the reorganization of said district under the provisions of this act, nor shall any lands which will not in the judgment of said board be benefited by such reorganized district be included within such district. If the board of supervisors find, upon the final hearing of said petition, that the statements therein are correct, they shall make an order approving the same, describing the exterior boundaries of the territory included within said district as determined by said board and ordering that such territory be organized as a sanitary district under the provisions of this act. From and after the making of such order of the board of supervisors, the district shall be deemed to be organized under this act with all the powers conferred herein; the persons in office at the time of such reorganization shall be entitled immediately to enter upon the duties of the like offices of the district so reorganized, and shall continue therein until the expiration of the term for which they have been elected or appointed.

SEC. 32. Any sanitary district organized under the provisions of section 31 of this act shall, for all purposes, be deemed and taken to be in law the identical district theretofore formed and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such district, or in trust therefor, or of any debt, demands, liabilities, or obligations existing in favor of or against such district, or any proceedings then pending, and any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force, and effect as if the same had been acquired, incurred, accrued, or taken while such district was organized under the provisions of this act; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of such ordinance; but such ordinances, so far as the same are not in conflict with general laws, shall be and remain in force until repealed or amended by competent authorities: *Provided*, That proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of this act.

SEC. 33. The provisions of this act shall be liberally construed to carry out the purposes hereof.

Sewers, Water Mains, and Other Conduits—Joint Construction and Maintenance by Municipalities, Sanitary Districts, or Municipalities and Sanitary Districts. (Ch. 140, Act May 9, 1923)

SECTION 1. Section 4 of "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense," approved March 22, 1909, as amended, is hereby amended, to read as follows:

Sec. 4. Whenever the city councils, sanitary boards, or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, shall by resolutions adopted by them determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts, to do so, such municipal corporations or sanitary districts by their respective councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing and providing for the joint construction and maintenance of sewers, water mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations or sanitary districts, including the joint construction and maintenance of all necessary outfall sewers, whether constructed within or outside of the exterior boundaries of such municipal corporations or sanitary districts, and by such joint agreement shall provide for the joint payment of the cost and expense of and for the joint use, benefit, and maintenance of all such sewers, outfall sewers, water mains, and other conduits, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary board, or other legislative body of each such municipal corporation or sanitary district may, and are hereby vested with power to bind and obligate such municipal corporations or sanitary districts to pay such proportionate part of the cost of the construction of such sewer, outfall sewer, water mains, or other conduits, at such times and in such installments as may be provided for in such joint agreement: *Provided*, That when any two or more municipal corporations or sanitary districts, or one or more municipal corporations and one or more sanitary districts, shall have heretofore entered into or may hereafter enter into a joint agreement in the manner and for the purposes above provided, such municipal corporations or sanitary districts, by unanimous consent, may and shall have full right, power and authority to amend or supplement any such joint agreement, and permit additional municipal corporations or sanitary districts or both to become a party or parties thereto.

When any such additional municipal corporations or sanitary districts, or both, shall, by resolutions adopted by their city councils, sanitary boards, or other legislative bodies, determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts to become a party thereto and, by such amended or supplemental joint agreement, provide for the joint payment of the cost and expenses of and for the joint use, benefit, and maintenance of all such sewers, outfall sewers, water mains, and other conduits, upon such

terms and conditions and under such regulations as may be approved by the city councils, sanitary boards, or other legislative bodies of all the municipal corporations and sanitary districts entering into any such amended or supplemental joint agreement, and each such municipal corporation and sanitary district shall thereupon be bound and obligated to pay such proportionate part of the cost and expense of the construction and maintenance of any such sewer, outfall sewer, water main, or other conduit at such times and in such installments as may be provided for in such amended or supplemental joint agreement, including the reimbursement of the municipal corporations, sanitary districts, or both, entering into the original joint agreement for any part of the money expended by them pursuant to such joint agreement, and any such amended or supplemental joint agreement may be entered into prior to the commencement, during the construction, or after the completion of any such sewer, outfall sewer, water main, or other conduit.

All contracts for the construction of sewers, outfall sewers, water mains, or other conduits under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts, and in the manner provided in section 3 of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts of any sewers, outfall sewers, water mains, or other conduits theretofore constructed in whole or in part in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they by mutual agreement may, by their respective city councils, sanitary boards, or other legislative bodies, determine to be proper. Authority is hereby specifically granted to use the streets within the public corporations entering into such an agreement for the construction and maintenance of sewers provided for by this section, and whenever it is necessary to extend such sewers without the limits of the public corporations entering into such joint or mutual agreement, then authority is hereby granted to use public highways without the limits of an incorporated city for the construction and maintenance of such sewers, subject only to the right of the board of supervisors to make reasonable police regulations for the protection of the highways so used.

Dead Bodies—Disinterment and Removal of, in Certain Cases where Cemeteries Are to be Abandoned. (Ch. 312, Act June 5, 1923)

SEC. 16. In the disinterment, transportation, and removal of human remains made under the provisions of this act it shall not be necessary for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery, to obtain from the board of health or health officer of the city, city and county or town where such cemetery lands are located, a separate permit for the disinterment, transportation or removal of the remains of each person so disinterred, transported, or removed, but such disinterment, transportation, and removal of such human remains shall be made subject to such reasonable rules and regulations relative to the manner of disinterring, transporting, or removing such remains as may be adopted by the board of health or health officer of the city, city and county or town wherein such cemetery lands are situated.

Garbage Disposal Sites—Acquisition of Lands for, by Incorporated Cities or Towns. (Ch. 263, Act May 30, 1923)

SECTION 1. Any incorporated city or town in this State may acquire by gift, purchase, or condemnation proceedings under the power of eminent domain lands within the county where such city or town is located, for garbage disposal sites and rights of way for roadways thereto.

SEC. 2. Any condemnation proceedings instituted under the provisions of this act shall be governed by the provisions of title 7 of part 3 of the Code of Civil Procedure relating to the exercise of the right of eminent domain.

Leased Camp Sites on State Lands—Sanitary Requirements. (Ch. 155, Act May 15, 1923)

Sec. 7. Before placing any building, structure, or other improvement on the land leased, the lessee shall file with the surveyor general a statement of the nature of the proposed building, structure, or improvement, and obtain from the surveyor general a permit to erect the same. All such buildings, structures, and improvements shall include adequate and proper means for the disposal of sewage and other waste matter in accordance with such rules and regulations as the surveyor general may from time to time prescribe.

Sec. 8. It shall be unlawful and shall constitute a breach of any lease executed under the provisions of this act for any lessee to occupy, or to permit any person to occupy, the land leased by him until adequate and proper means for the disposal of sewage and other waste matter have been installed on said leased land in accordance with law and the rules and regulations of the surveyor general. Every lease made under this act shall contain provisions for the disposal of sewage and other waste matter. The word "occupy" as used in this act shall mean to dwell upon for a period of time in excess of 24 hours.

Sec. 9. All privies and cesspools placed on said lands shall be situated at least 100 feet from any stream, and the vault of the same shall be at least 3 feet deep: *Provided, however*, That when it is impracticable to construct such privy or vault 100 feet from a stream, lessee may, with the consent of the surveyor general in writing first obtained, place such privy or vault at a lesser distance from said stream, but in such case the privy or vault shall be made of concrete, and the sides and bottoms thereof shall be water-tight. The side walls of all privies and vaults shall extend at least 1 foot above the surface of the ground. The privy shall be disinfected with chloride of lime or an equivalent disinfectant at least once a week when the premises are occupied. The privy closet shall be made fly-tight, the door thereof shall have hinges and a lock, and the seat shall have an automatic self-closing cover. The space between the vault and the outside of the building shall be made fly-tight.

Sec. 10. All garbage, paper, cans, and other refuse shall be burned or buried daily.

Sec. 11. No building shall be erected on said camp sites within 10 feet of the bank of any stream.

Sec. 12. The surveyor general is hereby authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purpose of this act.

* * * * *
Sec. 15. The surveyor general shall have the power at any time to cancel any lease under this act for failure or neglect on the part of the lessee to keep the premises leased in a sanitary condition, * * *

Public Camp or Picnic Grounds—Sanitary Requirements. (Reg. Bd. of H., Dec. 4, 1920, as Amended Feb. 3 and Oct. 6, 1923)**SUPERVISION**

SECTION 1. The management of every public camp or picnic ground shall assume responsibility for maintaining in good repair all sanitary appliances on said ground, and shall promptly bring such action as may be necessary to prosecute or eject from such ground any person who willfully or maliciously damages such appliances or any person who in any way fails to comply with these regulations.

Sec. 2. At least one caretaker shall be employed by the management to visit said camp or picnic ground every day that campers or picnickers occupy said ground. Such caretaker shall do whatever may be necessary to keep said ground and its equipment in a clean and sanitary condition.

Sec. 3. Each and every owner and lessee of any public camp or picnic ground shall be held responsible for full compliance with these regulations.

Sec. 4. Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. Each and every camp or picnic spot on said ground shall be within a distance of not over 200 feet from such a depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.

CAMPING SPACE

SEC. 5. Each camping party shall be allotted usable space of not less than 350 square feet.

WATER SUPPLY

SEC. 6. A water supply of sanitary quality shall be provided in ample quantity to meet all requirements of the maximum number of persons using such ground at any time. Said water supply shall be easily obtainable from its source or on a pipe-distribution system, faucets from which shall be located not more than 300 feet from any camp or picnic spot within such ground. If water supply is obtained direct from above-ground source, said source must be covered properly and water withdrawn by means of open pipe or faucet. In no case can dipping from open springs be permitted.

SEC. 7. Any water in the vicinity of such ground, which may be unsafe for human consumption, to which campers or picnickers may have access, shall be either eliminated or purified, or shall be kept posted with placards definitely warning persons against its use.

PROTECTION AGAINST FIRES

SEC. 8. No fires shall at any time be so located as to endanger automobiles or other property in the camp ground. No fires shall be left unattended at any time, and all fires shall be completely extinguished before leaving.

SEWAGE AND REFUSE DISPOSAL

SEC. 9. The method of final sewage or refuse disposal utilized in connection with the operation of any camp or picnic ground shall be such as to create no nuisance.

SEC. 10. Fly-tight privies or water-flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one for each 25 men and one for each 25 women or fraction thereof of the maximum number of persons occupying such ground at any time. No camp or picnic spot within such ground shall be at a greater distance than 400 feet from both a men's and a women's toilet. The location of all toilets shall be plainly indicated by signs.

SEC. 11. A sufficient number of iron hoppers or basins shall be provided, and each shall be connected with a sewerage system or covered cesspool; these are to be used for the disposal of domestic waste waters.

SEC. 12. If cottages, cabins, dwelling houses, or other buildings to be used for human habitation are erected in any public camping ground, the following minimum requirements for their construction shall be observed:

Note.—In addition to observing these requirements, all local building ordinances must be complied with.

1. All floors shall be raised at least 18 inches above the ground and space underneath shall be kept free from obstruction.

2. All floors shall be constructed of tongue-and-groove material.

3. Interior wall shall be of surfaced lumber or other material that may easily be kept clean and shall be constructed so that they may always be kept in a thoroughly clean condition.

4. No room used for sleeping purposes shall have less than 500 cubic feet of air space for each occupant.

5. The area of window space in each sleeping room shall be equal to at least one-eighth of the floor area of the room.

6. Windows of sleeping rooms shall be so constructed that at least half of each window can be opened.

7. Cooking shall not be permitted in any sleeping room.

8. If kitchen is provided, it must be equipped with running water and a sink connected with a sewerage system, septic tank, or a covered cesspool. Kitchen must be screened against flies and mosquitoes.

9. If private toilet is provided it must be water-flushed and connected with a sewerage system or septic tank. Room containing such toilet must have window opening to the outside air and its floor must be constructed of impervious material.

10. If bathroom is provided it must have an impervious floor and must have window opening to outside air. Bath and lavatory must be connected with sewerage system, septic tank, or cesspool.

11. Covered metal garbage containers must be provided; at least one for every two buildings.

12. Buildings shall be cleaned daily and after each occupancy shall be thoroughly cleaned. If bedding is provided it must be kept in a clean condition.

Sec. 13. Failure to comply with the foregoing regulations shall be deemed sufficient cause for declaring the premises a public nuisance under the provisions of section 370 of the Penal Code of California.

Sec. 14. These regulations shall be printed and kept posted in several conspicuous places in every camp or picnic ground.

State Housing Act. (Ch. 386, Act June 15, 1923)

[Chapter 386 of the 1923 Session Laws of California, approved June 15, 1923, is the "State housing act." The law is lengthy and covers the subject in great detail.]

COLORADO

Insanitary Dairy Products—Definition—Sale Prohibited—Manufacture for Sale of Food from, Prohibited. Imitation Dairy Products—Sale. Milk Dealers, Dairy Plants, etc.—Licensing—Regulations Governing, Authorized. (Ch. 97, Act Mar. 20, 1923)

SECTION 1. That section 6 of an act entitled, "An act creating the office of State dairy commissioner of the State of Colorado, fixing the salary and defining the duties thereof; providing for means of fostering the dairy industry, regulating the production, sale, and shipment of dairy products and oleomargarine, and providing for the licensing of shippers of these; providing for the inspection of premises where dairy products are manufactured, produced, handled, or sold, and for the licensing of inspectors; providing standards for dairy products, and rules for sampling; providing penalties for the violation of this act, and making an appropriation for the carrying out of its provisions and repealing all acts in conflict herewith," approved May 8, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 6. Milk containing less than 3 per cent butter fat; or milk drawn within eight days before or four days after calving; or milk drawn from cows that are kept in barns or stables which are not reasonably well lighted and ventilated, or that are kept in barns or stables that are filthy from an accumulation of animal feces and excreta or from any other cause; or milk which shall be drawn from cows which are themselves filthy or in an unhealthy condition; or milk kept or transported in dirty, rusty, or open-seamed cans or other utensils; or cream produced from any such aforesaid milk, or milk, cream, butter, or other dairy product that is stale or putrid; or milk, cream, butter, or other dairy products which has [sic] been exposed to foul or noxious air or gases in barns occupied by animals, or drawn or kept exposed in dirty, foul, or unclean places or under unclean conditions, or where transmissible human disease exists; or a cream containing less than 16 per cent butter fat; or cream produced by the use of a cream separator, which separator has not been thoroughly washed, cleansed, and scalded after previous use in the separation of cream from milk; or cream produced by the use of a separator placed or stationed in any unclean or filthy room or place, or in any building containing a stable wherein are kept cattle or other animals, unless some (said) cream separator is so separated and shielded by partition from the stable portion of such building as to be free from all foul or noxious air or gases which issue or may issue from such place or stable; or cream which when delivered at the point of shipment is more than three days old during the months of May to October, inclusive, or more than four days old during the months of November to April, inclusive; or milk or cream to which has been added in any quantity any foreign substance or coloring matter, chemical, or preservative, butter or butterfat, whether for the purpose of increasing the quantity of milk or for preserving the condition of sweetness thereof, or for any purpose whatever, is hereby declared to be unsanitary: *Provided*, That nothing in this act shall be construed to prohibit the sale of homogenized cream made from butter and milk if such product be labeled or stamped 'Imitation cream' according to the requirements of the State dairy commissioner; or of standardized milk which otherwise meets with the requirements of this act.

"No person shall by himself, his servant, or agent, or as the servant or agent of any other person, or as the officer, servant, or agent of any firm or corporation, sell or offer for sale, furnish or deliver, or have in possession or under his control with intent to sell or offer for sale, or furnish or deliver to any person, firm, or corporation as food for man, or to any creamery, cheese factory, milk condensing factory, or milk or cream dealer any unsanitary milk, cream, or butter, or any adulterated dairy product.

"No person or corporation shall by himself, his servant, or his agent use in any way, in connection or association with the sale, or exposure for sale, or advertisement of any compound or imitation dairy product, or product designed to be used as a substitute for a dairy product, not made wholly from milk or cream,

salt, and harmless coloring matter, the words 'cream', 'butter', 'creamery', 'dairy', or 'milk', or the name or representation of any breed of dairy cattle, or any word or combination of words embracing them. Nothing in this act shall operate to prevent the use of such words in giving a true table of composition of any such product.

"No person shall by himself, his servant, or agent, or as the servant or agent of any other person, or as the servant of any firm or corporation, manufacture for sale any article of food for man from any unsanitary milk or from any unsanitary cream."

SEC. 2. That section 9 of the above-mentioned act be, and the same is hereby, amended so as to read as follows:

"SEC. 9. * * * Beginning July 1, 1923, every person, firm, or corporation engaged in receiving, buying, selling, or otherwise handling milk or cream for sale, shipment, manufacture, or distribution, except public transportation companies and hotels and restaurants manufacturing for their own table use only, and milk plants supplying milk exclusively to cities having municipal inspection shall be required to hold a license, to be known as a dairy plant license, for operation of each receiving station, skimming station, concentrating station, milk plant condensary, creamery, cheese factory, ice-cream factory, or other dairy plant being operated by him or them for such purposes.

"Upon application, and payment of a yearly license fee as follows: Two dollars for each milk or cream receiving station or skimming station and \$10 for each concentrating station, milk plant, condensary, cheese factory, ice-cream factory, or other places of business where dairy products are manufactured or put in containers for sale or distribution, a temporary permit may be issued by the State dairy commissioner, such permit to be valid until an inspection shall have been made by an agent of the State dairy commissioner, when, if the applicant has complied with the requirements of the dairy laws, the State dairy commissioner shall issue a license for a period of one year dating from July 1 next preceding the actual date of issue.

"The State dairy commissioner shall have power to issue necessary regulations for the government of licensed plants and licensed testers, covering such points as disposal of sewage, location with regard to living rooms and other possible sources of contamination, and other points not specifically mentioned in the dairy laws.

"These regulations shall have the force and effect of law, and the State dairy commissioner shall have power to cancel a license for a period not exceeding 90 days when he shall find that the holder thereof has violated the law or regulations: *Provided*, That suit may be brought against the State to establish the reasonableness of a regulation, and if the decision affirms the reasonableness of the regulation, it shall be enforced.

"The money for all license fees as provided for in section 9 of this act shall be paid to the State dairy commissioner, by whom it shall be transmitted to the State treasurer to be deposited in the general fund."

Bovine Tuberculosis—Eradication—Appraisal and Destruction of Diseased Animals—Payments to Owners of Destroyed Animals. (Ch. 176, Act Apr. 16, 1923)

SECTION 1. Any person, firm, or corporation owning or maintaining cattle of either beef or dairy type in the State of Colorado wishing to rid his herd of tuberculosis and to maintain them free from tuberculosis may make application to the State veterinary surgeon to have such herd tested for tuberculosis; whereupon the State veterinary surgeon shall test such cattle or have same tested by a deputy State veterinary surgeon, or arrange to have same tested by a veterinary inspector of the United States Bureau of Animal Industry, provided the owner signs an agreement to abide by such rules and regulations regarding further tests, disposition of reacting animals, disinfecting premises, maintenance, and handling of the cattle as the State veterinary surgeon may promulgate.

SEC. 2. When the owners of 51 per cent of the dairy and purebred beef cattle or 51 per cent of the owners of the dairy and purebred beef cattle in any section or area of the State of Colorado shall sign a petition to the State veterinary surgeon signifying their desire that the cattle in such section or area described in the petition be tested for tuberculosis and the disease be eradicated from such section or area, the State veterinary surgeon may thereupon designate and declare such section or area as a "tuberculosis eradication area," and shall as quickly as possible proceed to test, or cause to be tested, all of the cattle in such

section or area, or such portion of such cattle as he may deem necessary in order to accomplish the purpose of eradicating tuberculosis of cattle from such section or area: *Provided*, No such area shall comprise stockyards maintained for the sale of cattle at public market, which stockyards are under Federal or other adequate health inspection.

Such testing of cattle shall be accomplished at such time and by such tests, or combination of tests, as the State veterinary surgeon may direct.

If any reacting animals are found they shall be disposed of as herein provided for the disposition of reacting animals. If the owner or person in charge of any animal or animals in such section or area shall refuse to permit the testing of such animals when requested to do so by the State veterinary surgeon, the State veterinary surgeon is hereby authorized to call on the sheriff of the county in which such animals are located for assistance, and to enter upon any premises and test any such animals, and in any such case, if any reactors are found, such reactors shall be branded and killed as in other cases in this act provided.

When testing of cattle in any such section or area has been commenced, the movement of any cattle into such section or area, unless and until all such cattle shall have passed a tuberculin test satisfactory to the State veterinary surgeon, shall be unlawful, provided range cattle and cattle for feeding or fattening purposes may in the usual course of business enter such tuberculosis eradication area without the tuberculin test of (if) such cattle are maintained entirely separate and apart from all cattle which have been tuberculin tested.

Sec. 3. The State veterinary surgeon is hereby authorized and empowered to enter into a cooperative agreement or agreements with the Bureau of Animal Industry of the United States Department of Agriculture and any county or municipality of the State of Colorado for the control or eradication of tuberculosis of the domestic animals of Colorado or any section or portion of the State. This cooperative agreement may extend to the testing, condemnation, appraising, paying of indemnities, etc., as the State veterinary surgeon and the United States Bureau of Animal Industry and county or municipality may agree upon. When such agreement is effected the veterinary inspectors of the United States Bureau of Animal Industry, working in cooperation with the State veterinary surgeon, shall have the same power and authority to enforce the provisions of this act as an assistant or deputy State veterinary surgeon.

The legal authorities of any county or municipality in which the State or Federal authorities take up the work of tuberculosis control or eradication may appropriate for aiding in such work such sums as such authorities may deem adequate and necessary.

Sec. 4. Whenever any animal shall have been tested by the State veterinary surgeon or any of his authorized deputies, and found free from tuberculosis, there shall be inserted in the ear of such animal by the testing veterinarian a suitable metal tag, to be furnished by the State veterinary surgeon, showing such animal to have successfully passed the tuberculin test; such tags shall be numbered serially and the State veterinary surgeon shall keep a record of each tag so inserted, showing date of insertion, name and address of owner or [of] animal, name and registry number of the animal, if registered, and a description of animal, if not registered: *Provided*, That it shall not be compulsory to tag purebred animals which have been registered.

Whenever any animal shall have been condemned as tuberculous by the State veterinary surgeon, or by any of his authorized deputies, or by a graduate veterinarian licensed to practice in Colorado, or by a veterinarian of the United States Bureau of Animal Industry working in cooperation with the State of Colorado, such animal shall be branded by the testing veterinarian by burning a letter T not less than two inches in length on the left jaw of such animal with a hot iron. The animal shall also be tagged with a suitable tag furnished by the State veterinarian. All such reacting animals shall be reported to the State veterinary surgeon, accompanied by a description of the animal and the tag number, together with the owner's name and address. The State veterinary surgeon shall keep a record of all such diseased animals until they are destroyed.

Every licensed veterinary surgeon or person making tests upon cattle for tuberculosis in this State shall immediately after the test is concluded report the result of his test as to each animal tested to the State veterinary surgeon.

No milk or milk products from an animal so branded shall be used for human food or be fed to other domestic animals until the same shall have been pasteurized by being subjected to a temperature of 145° Fahrenheit for a period of at least thirty minutes, nor shall the flesh of such an animal be used or sold or offered for sale for human consumption or fed to domestic animals unless the

same shall have been inspected at the time of slaughter by an authorized Federal or municipal meat inspector or inspector authorized by the State veterinary surgeon, and passed for such use by him. Animals branded as tuberculous as above provided shall be disposed of within thirty days after such test, as follows: (a) They shall be slaughtered at a slaughtering plant where Federal or municipal meat inspection is maintained and the carcass be disposed of according to such Federal or municipal regulations. (b) When it is not convenient for condemned cattle to be slaughtered at an establishment having Government or municipal meat inspection, they shall be slaughtered under the supervision of an inspector of the State veterinary surgeon or United States Bureau of Animal Industry, in which case the appraisal board shall determine the salvage value as well as the breeding value of the animals.

It shall be lawful for the owner of a purebred bull so branded as tuberculous [tuberculous] to keep same for breeding purposes in isolation and under such restrictions as the State veterinary surgeon may prescribe. Such tuberculous bull shall not be sold, loaned or given away or be moved from the premises where found tuberculous except the same be moved to a place of slaughter.

No indemnity shall be paid by the State for any such purebred bull kept for breeding purposes for a period exceeding sixty days after found to react to a tuberculin test.

Sec. 5. When cattle in this State are tested for tuberculosis, under the provisions of sections 1, 2, or 3 of this act, and are condemned as being diseased with tuberculosis, except such bull as the owner selects to keep in isolation as provided in section 4 of this act, they shall immediately after such test be appraised as follows:

The State veterinary surgeon or his deputy, or a veterinary inspector of the United States Bureau of Animal Industry working in cooperation with the State of Colorado, as may be agreed upon, acting with the owner, shall jointly constitute an appraising committee of two. If such committee fails to reach an agreement, a disinterested and competent third party shall be called in and a majority decision shall be final. In making the appraisement each individual head of such cattle shall be appraised at its actual value, giving due consideration to breeding value as well as to dairy or meat value. An itemized statement of the appraisement of each animal in each lot so appraised shall be prepared in triplicate and signed by each member of the appraising committee on blanks furnished for this purpose by said State veterinary surgeon and two copies shall forthwith be forwarded to the State veterinary surgeon and one copy delivered to the owner of such animal or animals. Such diseased cattle shall within thirty days after such appraisement be sent to slaughter and a report of the net sum of the salvage resulting from the sale of such cattle shall be forwarded to the State veterinary surgeon, together with a copy of the report of the result of the post mortem findings, who shall deduct such salvage from the appraisement of said cattle.

The owner shall then receive from the State two-thirds the difference between the appraised value and the net salvage, but in no case shall the owner be paid more than \$100 as indemnity for any one registered animal registered in their respective breed association, and certificate of registration shall accompany their claim for indemnity, or more than \$50 for any one-grade animal.

In all cases where the Federal Government compensates owner for livestock destroyed on account of tuberculosis, then such payment as has been made by or is due from Federal Government shall be deducted from the payment herein provided to be made by the State.

The said State veterinary surgeon shall certify (a) to the State auditor the amount due to the owner from the State and (b) to the Federal Government the amount due from the Federal Government. When said State veterinary surgeon shall have certified to the State auditor the amount due the owner of such condemned and slaughtered animals such certification shall constitute a legal claim in favor of the owner or mortgagee of such animals against the State, and the State auditor is hereby authorized to draw warrants therefor upon the State treasurer on vouchers signed by the State veterinary surgeon; if, however, such cattle are found to be mortgaged, the voucher shall be drawn jointly in favor of the owner and the mortgagee.

No voucher for indemnity shall be approved by the State veterinary surgeon for any cattle affected with or slaughtered on account of tuberculosis if such cattle have not been in the State of Colorado for at least six months prior to the last tuberculosis [tuberculin] test; nor shall any indemnity be paid for an animal not tested under the provisions of sections 1, 2, and 3 of this act; nor shall any

indemnity be paid unless the testing has been done by the State veterinary surgeon or his deputy or a veterinary inspector of the United States Bureau of Animal Industry who is working in cooperation with the State veterinary surgeon; nor shall any indemnity be paid for any cattle purchased after this act goes into effect unless the owner can show that there has been furnished to him a certificate of health by the seller issued by an authorized agent of this or some other State or of the United States Department of Agriculture, showing such animal to be free from tuberculosis at the time of purchase; nor shall any indemnity be paid unless the diseased cattle are slaughtered within thirty days from the date they are declared to be tuberculous.

SEC. 6. Whenever any veterinary surgeon shall report to the State veterinary surgeon that cattle tested by him have reacted to the test and are tuberculous, the State veterinary surgeon is hereby authorized to inspect and test any herd containing such cattle reported to be tuberculous, and if any owner or caretaker shall refuse to permit the State veterinary surgeon or any of his deputies or agents to make such inspection or apply such tests as may to him or them seem proper, such owner or caretaker shall be guilty of the violation of the provisions of this act and be subject to the penalties thereof.

SEC. 7. Whenever any cattle have been found by the State veterinary surgeon, his deputies, officers, or agents to be infected with tuberculosis, after disposing of the animals actually infected, the owner shall, upon the order of the State veterinary surgeon, clean his buildings and premises from all manure, filth, and other disease propagating substances and disinfect the same with some germicide to be prescribed by the State veterinary surgeon. Any owner, occupant, or tenant of such premises or buildings who shall fail, neglect, or refuse to comply with the provisions of this section of the act shall be guilty of a violation of the provisions of this act and liable to the penalties thereof.

SEC. 8. The State veterinary surgeon may appoint and employ as deputies such veterinarians as may be necessary to carry out the provisions of this act, and pay such veterinarians a per diem compensation of not to exceed \$8 per day for the time actually employed, together with actual and necessary traveling expenses incurred in the course of such employment.

The deputy State veterinary surgeon[s] so appointed shall perform only such duties, as such deputies, as may be specifically directed by the State veterinary surgeon.

The State veterinary surgeon may also employ a clerk or stenographer, if found necessary, at a salary not to exceed \$100 per month.

The State veterinary surgeon is authorized to purchase the necessary stationery, record books, filing cases, ear tags, and other supplies necessary to carry out the provisions of this act, and the State auditor shall draw his warrants on the treasurer for the amount so expended upon proper vouchers approved by the State veterinary surgeon.

SEC. 9. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 and not more than \$500 or by imprisonment in the county jail not to exceed ninety days or by both such fine and imprisonment at the discretion of the court.

SEC. 10. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of \$16,000, which shall be a continuing appropriation until exhausted. The auditor of the State is hereby authorized to draw and the State treasurer to pay warrants therefor upon vouchers of the State veterinary surgeon.

SEC. 11. Chapter 230 of the Session Laws of 1921 of the State of Colorado are [is] hereby repealed.

CONNECTICUT

Industrial Diseases—Reports of Cases. (Ch. 93, Act Apr. 26, 1923)

Section 2416 of the general statutes is amended to read as follows:

"Every physician having knowledge of any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, or mercury, or their compounds, or from anthrax, or from compressed-air illness or any other disease, contracted as a result of the nature of the employment of such person, shall, within 48 hours, mail to the State department of health a report, stating the name, address, and occupation of such patient, the name, address, and business of his employer, the nature of the disease, and such other information as may reasonably be required by said department. The department shall prepare and furnish to the physicians of this State suitable blanks for the reports herein required. No report made pursuant to the provisions of this act shall be evidence of the facts therein stated in any action at law against any employer of such diseased person. Any physician who shall fail to send any report herein required or who shall fail to send the same within the time specified herein shall be liable to the State for a penalty of not more than \$10, recoverable by civil action in the name of the State by said department. For each such report the physician making the same shall receive a fee of 50 cents, to be paid by the State department of health as a part of its office expenses."

Pupils—Vaccination. (Ch. 271, Act June 4, 1923)

SECTION 1. Section 888 of the general statutes is amended to read as follows:

"The board of school visitors, town school committee, or board of education may require every child to be vaccinated before being permitted to attend a public school under its jurisdiction, unless such child shall present a certificate from a physician, approved by the health officer of the town, city, or borough practicing in or near the town where such child shall reside, certifying that, in the opinion of such physician, such vaccination would not be prudent on account of the physical condition of such child. If the parents or guardians of any children shall be unable to pay for such vaccination, the expense thereof shall, on the recommendation of such board or committee, be paid by the town. Such school board or school committee may exclude from any school under its supervision all children under 5 years of age whenever in its judgment the interest of such school will be thereby promoted."

Pupils—Examination and Inspection of the Eyesight of. (Ch. 187, Act May 23, 1923)

The examination and inspection of school children under the provisions of chapter 49 of the general statutes, so far as such examination and inspection concern the vision, may be performed by any optometrist licensed under the provisions of chapter 155 of the general statutes as amended by chapter 136 of the public acts of 1919 and by chapter 276 of the public acts of 1921: *Provided*, Such optometrist be appointed for such purpose in the same manner as physicians are appointed under the provisions of said chapter 49.

Pupils—Testing of the Eyesight of. (Ch. 195, Act May 24, 1923)

Section 1013 of the general statutes is amended to read as follows:

"The State board of education shall prepare or cause to be prepared suitable test cards and blanks to be used in testing the eyesight of pupils in public schools, and shall furnish the same, together with all necessary instructions for their use, free of expense, to every school in the State. The superintendent, principal, or teacher in every school in which no examination or inspection shall have been made under the provisions of section 912 of the general statutes shall, annually, during

the fall term, test the eyesight of all pupils under his charge according to the instructions furnished, and shall give written notice to the parent or guardian of every pupil who shall be found to have any defect of vision or disease of the eyes, with a brief statement of such defect or disease, and shall make a written report of all such cases to the State board of education."

Prostitution, Lewdness, or Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. (Ch. 278, Act June 7, 1923)

SECTION 1. Any person convicted of a first violation of any provision of chapter 77¹ of the public acts of 1919 shall be fined not more than \$100 or imprisoned not more than six months or both; and for a second violation shall be imprisoned not more than one year, and for any subsequent violation not more than three years. The court may order any person convicted under the provisions of this act to be examined for venereal disease by one or more competent physicians. Any such person infected with a venereal disease may be paroled or placed on probation only upon such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof.

SEC. 2. Section 3 of said chapter is repealed.

Mosquitoes and Mosquito-Breeding Places—Elimination. (Ch. 68, Act Apr. 17, 1923)

SECTION 1. Section 2409 of the general statutes is amended to read as follows: "The director of the Connecticut Agricultural Experiment Station may make rules and orders concerning the elimination of mosquitoes and mosquito breeding places, and he or his agent may enter upon any swamp, marsh, or land to ascertain if mosquitoes breed thereon or to survey, drain, fill, or otherwise treat, or make any excavation or structure necessary to eliminate mosquito breeding on such land. Whenever funds have been provided by voluntary contribution or by appropriation by the State for the elimination of mosquitoes or mosquito breeding places said director may order the execution of such work upon notice as herein provided. At least 30 days before commencing such work, said director shall file a copy of such order, with a description of the place or area affected and a statement of the proposed plan thereof, in the town clerk's office in each town in which such place or area is located. Said director shall publish a copy of such order once each week for two successive weeks in some newspaper having a circulation in the town or towns in which such place or area is situated, and shall mail a copy of such notice, postage prepaid, by registered mail, addressed to each record owner of land whose name and address may be ascertained by a reasonable inquiry from the assessors of the town in which such land is situated. Said director may, and upon application of any person affected by such order or plan, within 30 days after such publication, shall assess damages sustained by the owner of any such land. Such assessment shall be filed by said director with the clerk of the superior court of the county within which the land affected is located, and said clerk shall give notice of such assessment to each such property owner, by mailing to him a copy of such assessment, postage prepaid. Any person claiming to be aggrieved because of such order or proposed plan or such assessment may, within 10 days after notice, apply to the superior court in the county in which such land is situated, or any judge thereof, for relief, and said court or such judge may, after notice to said director and parties applying for relief, and hearing thereon, make any proper order concerning such order or proposed plan, or make a reassessment of damages. Said court or judge may view the land claimed to be affected by such order or plan and may take any evidence in his opinion material. The order, plan, and assessment as herein-before provided for shall be conclusive upon all parties affected thereby, and the State treasurer shall pay to any such owner the damages assessed by said director or by said court or judge, as the case may be, upon certification of the amount by the clerk of said court. The pendency of any application for the assessment of damages shall not prevent or delay the execution of the work for the elimination of mosquitoes or mosquito breeding. Upon the completion, to the satisfaction of said director, of any such work, said director shall certify to the comptroller, with proper vouchers, the amount of such costs, and the comptroller shall draw his order on the treasurer for the payment of the same."

¹ Supplement 42 to Public Health Reports, p. 107.

SEC. 2. Section 2410 of the general statutes, as amended by chapter 21² of the public acts of 1919, is amended to read as follows:

"Whenever any swamp, marsh, or other land has been drained to the approval of the director of the Connecticut Agricultural Experiment Station, he shall keep the same in repair and free from obstruction, and construct or repair tide gates or otherwise treat such areas as to make such work effective. Said director may appoint one or more deputies to supervise the work done under the provisions of this and the preceding section, who may exercise the authority granted to such director. The expenses of said director and said deputies in carrying out the provisions of this and the preceding section shall be paid from funds provided by voluntary contributions or from funds appropriated by the State for such purpose. The comptroller may advance to said director such amounts, within the appropriations therefor, as are necessary to meet the current expenses for labor authorized under the provisions of this and the preceding section. Any person obstructing the work of examining, surveying, or ditching or otherwise treating such mosquito-breeding areas, or obstructing any ditch, canal, or drain, or the natural outlet of any marsh forming mosquito-breeding areas, shall be fined not more than \$100 or imprisoned not more than ninety days or both."

Midwifery—Regulation of the Practice of—Preventive Treatment for Ophthalmia Neonatorum. (Ch. 264, Act June 4, 1923)

SECTION 1. The State department of health shall have authority, in addition to that conferred under the provisions of chapter 151 of the general statutes, to make such rules and regulations governing the practice of midwifery as it may deem desirable.

SEC. 2. The practice of midwifery is defined as and limited to such assistance or offer of assistance as may be rendered by any person for compensation received, promised, or expected to a woman in normal childbirth, without using any instrument or artificial or forcible or mechanical means and without performing or attempting to perform any version or removing or attempting to remove adherent placenta and without prescribing or using or advising the use of any drug other than a disinfectant.

SEC. 3. No midwife shall practice midwifery except in any case of normal labor in which there is an uncomplicated vertex or head presentation. No midwife shall in any case of labor use any instrument, or assist labor by any artificial, forcible, or mechanical means, or perform version or attempt to remove adherent placenta. No midwife shall attend any woman in labor until the seventh month of uterogestation shall have passed.

SEC. 4. Each midwife shall keep a record of each case attended by her, which shall be open to inspection by the inspectors or agents of the State department of health.

SEC. 5. Each midwife shall keep her person, clothing, equipment, and her home clean and her finger nails short and the skin of her hands free from cracks and abrasions. When attending any case of labor she shall wear a clean dress of linen, cotton, or other washable material which can be boiled, and a clean, washable apron or overall. The sleeves of her dress, if long, shall be so made that they may be readily rolled up above the elbows.

SEC. 6. Each midwife shall be supplied with the following equipment, which shall be open to inspection by the inspectors or agents of the State department of health: Two hemostats having curved clamps; two pairs of scissors having round points; one thumb forceps; one set of baby scales; one hand brush and orange stick; one rubber sheet at least 36 inches square; one cake of antiseptic soap; two clinical thermometers, one mouth and one rectal; one bottle lysol; boric-acid powder; alcohol; silver nitrate ampoules; one sterile gown or white apron; two sterile cord dressings and sterile tape for tying cord; two packages of sterile absorbent cotton; two washable linings for equipment bag. Such equipment shall be carried in a metal case which can be boiled, or in a bag fitted with an inner lining of washable material which may be easily removed, and which shall be washed and boiled before being used in each case of labor. Such bag and its contents shall be kept clean. Any nailbrush, nail cleaner, scissors, tape, or twine used by any midwife while in attendance upon any case shall be boiled for at least five minutes before being used. Upon the termination of any

²Supplement 42 to Public Health Reports, p. 108.

labor case the scissors, nailbrush, and nail cleaner used in such case shall be washed with soap and water and boiled for at least five minutes before being replaced in the equipment bag or case.

SEC. 7. Before assisting in or conducting any delivery the midwife shall scrub her hands and forearms to the elbows with the nailbrush, green soap, and warm water for at least five minutes, paying special attention to the nails and to the inner surface of the fingers, and shall immerse her hands for at least three minutes in disinfecting solution, after which such midwife shall not permit them to come in contact with anything before coming in contact with the patient in carrying out the delivery. The midwife shall thoroughly wash the patient's external genitals, the inner surface of the thighs, and the lower part of the abdomen with warm water and soap and immediately thereafter with clean water and a disinfecting solution prepared by adding 1 teaspoonful of lysol to 1 pint of water. She shall then cover the genitals with a clean towel of cotton or linen which shall immediately preceding have been immersed in disinfecting solution in which it shall have remained until thoroughly disinfected.

SEC. 8. Each midwife shall exercise care in cleansing her hands and in dressing any patient and shall visit each patient attended by her at least once daily for seven days after labor, giving attention to the toilet and bed of the mother and infant. She shall record the pulse and temperature of any patient attended by her and give proper directions as to the food for the mother and the nursing of the infant. She shall give instructions necessary to keep the air in the patient's room fresh and shall not allow the infant to sleep in the bed with the mother; she shall make necessary observations for any symptoms of any complication or abnormality hereinafter named and shall cause the infant to have a daily bath and attend to the dressing of the cord.

SEC. 9. Any midwife in charge of any case during labor shall not leave a patient without giving an address at which she may be found without delay, and after the beginning of the second stage she shall remain with the patient until the delivery shall have been completed and shall not leave the patient's home for at least one hour after the expulsion of the afterbirth. In any case in which a physician shall have been sent for because of any abnormal or complicated condition she shall await the arrival of the physician.

SEC. 10. The midwife shall, in all cases, examine the afterbirth, placenta, and membranes, before it shall be destroyed and shall ascertain if there shall have been complete expulsion.

SEC. 11. After delivery the midwife shall clean the skin around the external genitals with antiseptic solution and place a dry, clean pad over the vulva, and shall bathe and dress the patient as aforesaid at least once daily for seven days after delivery.

SEC. 12. After labor and before washing the infant the midwife shall remove soiled sheets, pads, paper, and other material used to protect the mattress and cause dry, clean sheets to be provided for the patient.

SEC. 13. In the event any infant shall not breathe after birth the midwife shall immediately report such fact, by telephone or messenger, to the medical examiner.

SEC. 14. Immediately upon birth of any infant the eyelids of such infant shall be washed with a boric-acid solution made by adding 1 level teaspoonful of boric-acid powder to 1 cup of warm water. The eyelids shall then be separated and 1 or 2 drops of a 1 per cent solution of silver nitrate, furnished by the State department of health, dropped in each eye and the lids then brought together.

SEC. 15. Any midwife in attendance upon any patient or in contact with any person suffering from puerperal fever or any other disease known or suspected to be communicable, contagious, or infectious shall disinfect herself by taking a hot bath and shall disinfect the contents of her equipment bag and make an entire change of clothing before going to any maternity patient. She shall have all clothing worn while in attendance upon any infected person boiled and washed. Garments which can not be washed shall be hung out of doors during two days, exposed to the sun and frequently shaken.

SEC. 16. If during pregnancy any of the following conditions shall develop in the patient or shall be suspected to be present, no midwife shall engage to attend the case, and any midwife consulted in any such case shall refer the same to a physician: When the patient shall be a dwarf or shall be deformed, when there shall be bleeding or repeated staining in small amounts, swelling or puffiness of feet or hands, excessive vomiting, persistent headache, dimness of vision, fits or convulsions, purulent discharge, sores or warts of the genitals, or when there shall be syphilis, suspected or known.

SEC. 17. A physician shall be called by the midwife if during the lying-in period any of the following conditions shall develop: Inability to nurse the infant, when the midwife shall have information that the mother has intention of stopping the breast feeding of the infant, when there shall be convulsions, excessive bleeding, a foul smelling discharge (lochia), a persistent rise in temperature to 101° F. for 24 hours, redness and swelling of the breasts, or a severe chill (rigor), with rise of temperature.

SEC. 18. Each infant shall be thoroughly examined after birth and a physician shall be summoned when the infant shall have or develop any of the following conditions: When there is an injury, deformity, or malformation; inability to suckle or nurse; inflammation around or discharge from the navel; swelling or redness of the eyelids or a purulent discharge from the eyes; bleeding from the mouth, bowels, or navel; or any rash, sore, or discharge from the nose.

SEC. 19. No midwife having any local infection or any communicable disease named under regulation 3 of the sanitary code of Connecticut shall attend any case of confinement or visit any patient until she shall have entirely recovered, disinfected herself, her clothing, all the contents of her equipment bag and other appliances, and shall have received a certificate from the local health officer that she can not spread infection to other persons.

SEC. 20. A physician shall be summoned immediately when, during labor, any of the following conditions shall exist or develop: When the presenting part shall be other than an uncomplicated vertex or head, when fits or convulsions shall occur, when there shall be excessive bleeding, in prolapse of the cord, in cases where a swelling or tumor shall obstruct the birth of the infant, when signs of exhaustion or collapse of the mother shall exist, when labor shall last 30 hours in a woman having a first child or when labor shall last 20 hours in a woman having a second child.

SEC. 21. No midwife shall introduce her hands into the uterus. If after one hour after the birth of any child, the mother being otherwise in good condition, the afterbirth, placenta, and membranes shall not be expelled or can not be expelled by gentle manipulation of the uterus through the abdominal wall, a physician shall be called forthwith.

SEC. 22. Any person who shall violate any provision of this act shall be fined not more than \$100 for each offense.

State Department of Health—Laboratories and Bureaus of. (Ch. 94, Act Apr. 26, 1923)

Section 2365 of the general statutes as amended by chapter 248³ of the Public Acts of 1919 is amended to read as follows:

"Said department shall maintain laboratories and bureaus of vital statistics, preventable diseases, sanitary engineering, child hygiene, public health nursing, and public health instruction. The commissioner of health may appoint a director of each of such bureaus, who shall perform the duties of his office under the direction and control of said commissioner. Each director shall receive such compensation as may be fixed by the public health council, subject to the approval of the board of control."

State Commissioner of Health—Salary. Secretary of State Tuberculosis Commission—Allowance for Office Expenses. (Ch. 247, Act June 1, 1923)

SEC. 9. The salary of the commissioner of health shall be \$5,000 per annum. There shall be allowed to the secretary of the tuberculosis commission for office expenses an amount not to exceed \$5,000 annually.

State Milk Regulation Board—Membership—Record of Proceedings—Appointment and Duties of Officers—Location of Office. (Ch. 167, Act May 23, 1923)

SECTION. 1. Section 2485 of the general statutes is amended to read as follows: "On or before the 15th day of May, 1923, and quadrennially thereafter, the governor, with the advice and consent of the senate, shall appoint two electors of the State actively engaged in the production of milk who, with the dairy and food commissioner, the commissioner of health, the secretary of the State board of agriculture, and the commissioner on domestic animals, shall constitute the milk regulation board. Such two electors so appointed to membership on said

³Supplement 2 to Public Health Reports, 110.

board shall hold office for four years from the 1st day of May in the year of their respective appointments and until their successors shall have been appointed and qualified. If a vacancy shall occur in the office of either member of said board appointed by the governor as herein provided when the general assembly shall not be in regular session, such vacancy shall be filled by the governor until the third Wednesday of the next regular session of the general assembly, when such office shall be filled by appointment by the governor, with the advice and consent of the senate, as hereinbefore provided. The governor, for cause, after a public hearing, may remove any member of the board appointed by the governor with the advice and consent of the senate or appointed by the governor to fill a vacancy. Said board shall keep a record of all its proceedings and may appoint its officers and prescribe their duties. The office of said board shall be with the dairy and food commissioner."

Milk of Standard Quality—Definition. (Ch. 143, Act May 23, 1923)

Section 2465 of the general statutes is amended to read as follows:

"Any milk which is sold or exchanged or offered for sale or exchange, shall be deemed to be sold, exchanged, or offered as of standard quality, unless otherwise expressly stated at the time of such sale, exchange or offer. Milk of standard quality shall contain not more than $88\frac{1}{4}$ per cent of watery fluid, not less than $11\frac{1}{4}$ per cent of milk solids, not less than $8\frac{1}{2}$ per cent of solids not fat, and not less than $3\frac{1}{4}$ per cent of milk fats; and the certificate of the director of the Connecticut Agricultural Experiment Station or chemist in charge thereof, or of the director of the laboratory of the State department of health or chemist in charge thereof, shall be prima facie evidence of the composition of any milk."

Filled Milk—Definition—Manufacture or Sale Prohibited. (Ch. 188, Act May 23, 1923)

The term "filled milk" for the purpose of this act shall mean any milk or cream to which has been added any fat or oil other than milk fat, whether or not such milk is condensed, evaporated, concentrated, powdered, dried, or desiccated. No person shall manufacture, sell, offer, or expose for sale any filled milk. Any person violating any provision of this act shall be fined not less than \$7 nor more than \$200 or imprisoned not more than sixty days, or both.

Oleomargarine and Imitation Butter—Definition—Certain Words and Terms not to be Used in Connection with. (Ch. 273 Act June 5, 1923)

Section 2449 of the general statutes is amended to read as follows:

"Any article resembling butter and not made wholly from milk or any product of milk, salt and coloring excepted, shall be oleomargarine or imitation butter within the meaning of chapter 128 of the general statutes as amended by chapter 120 of the public acts of 1921. The term 'oleomargarine' and the term 'imitation butter' shall include butterine and any article made or compounded in imitation of butter or as a substitute for butter and not made exclusively from milk or any product thereof, salt and coloring excepted, and any article labeled or branded as oleomargarine upon which a tax is collected by the Federal Government. The term 'butter,' 'dairy' or 'creamery' or the name or term of any breed of cattle or any combination of any such names or terms or any symbol thereof shall not be used in whole or in part upon or to form the name of any oleomargarine or imitation butter, or upon any box, tub, or package containing oleomargarine or imitation butter."

Eggs—Provision of Law Concerning the Marking of, Repealed. (Ch. 21, Act Mar. 23, 1923)

Section 2463 of the general statutes is repealed.

Flesh of Certain Animals or Fowl—Sale or Shipment of, Unlawful. (Ch. 142, Act May 23, 1923)

Section 6420 of the general statutes is amended to read as follows:

Every person who shall sell or offer for sale, or ship out of this State or from one town to another within the State, or keep with intent to sell or ship out of the State or from one town to another within the State, the flesh of any animal or fowl which died or was killed when diseased, or the flesh of any calf which

was less than 4 weeks old when killed, or weighed 55 pounds or less when dressed by the removal of the hide, head, heart, lungs, liver, and entrails, shall be fined not more than \$100, or imprisoned not more than six months. The possession of any such flesh dressed in a manner suitable for sale or use shall be deemed prima facie evidence of an intent to sell and a violation of the provisions of this act.

Water and Soft Drinks—Suspension or Revocation of Licenses for the Manufacture, Bottling, or Sale of. (Ch. 40, Act Apr. 11, 1923)

Section 4 of chapter 159 of the Public Acts of 1921 is amended to read as follows: "Said commissioner, upon such notice as he may determine of the time and place of hearing, may suspend or revoke any such license for such cause as he may find sufficient, and the use of any polluted water or failure to conduct such business in a clean and sanitary condition, the use of saccharin or any ingredient impure or injurious to health, failure to comply with the provisions of chapter 128 of the general statutes relating to the manufacture of pure foods, so far as the same may be applied to the provisions of this act, and failure to comply with any order of the commissioner under the provisions of this act, shall be cause for revocation or suspension of any such license, and no person, during the period when his license is suspended or revoked, shall manufacture any carbonated beverage or sell or offer for sale any carbonated beverage previously manufactured by him."

Cattle—Importation. (Ch. 138, Act May 23, 1923)

SECTION 1. Section 2093 of the general statutes as amended by chapter 168⁴ of the Public Acts of 1919 is amended to read as follows:

"Each person, firm, or corporation who shall drive, transport, or furnish transportation or knowingly allow to come into the State any meat cattle shall cause the same to be accompanied by a certificate of a tuberculin test of each of such cattle issued in accordance with the provisions of the Federal regulations relating to interstate shipments of cattle and the provisions of the laws relating to diseases of domestic animals in the State from which such cattle are being brought, and by a permit in writing issued by the commissioner on domestic animals in such form as he shall prescribe, provided each such permit shall include the number of such cattle in each drove, shipment, or consignment. The owner, consignee, or person having the custody of any of such cattle coming into the State shall, within seventy-two hours after the arrival of any of such cattle within the State, give notice in writing of the arrival of each of such cattle, which notice shall include the date of such arrival and a description of each of such cattle, which description shall state the sex, breed, eartag number, or registration name and number or tattoo or other markings sufficient to identify each of such cattle. Each drove, shipment, or consignment of cattle brought or knowingly allowed to come into the State shall be held intact in quarantine at its destination unless otherwise ordered by the commissioner, until he shall cause such examination and tests to be made as he shall determine and until he shall cause them to be released or disposed of as herein provided. The expense of quarantine and of all examinations and tests shall be paid by the owner of any such cattle before the same shall be released. The commissioner may cause any of such cattle found upon examination or test to be diseased to be killed, and no animal or part thereof so killed shall be sold for food except under the direction of the commissioner, provided the provisions of this act shall not be construed to require a certificate of tuberculin test, issued as hereinbefore provided, to accompany cattle imported into the State for slaughter. Any person violating any provision of this act shall be fined not less than \$25 nor more than \$200 for each offense."

SEC. 2. Section 2092 of the general statutes is repealed.

Diseased Domestic Animals—Appraisal—Destruction—Payments to Owners. (Ch. 116, Act May 9, 1923)

Section 2095 of the general statutes is amended to read as follows:

"The commissioner on domestic animals may cause any domestic animal quarantined in accordance with the provisions of section 2094 of the general statutes to be killed, but no animal so quarantined shall be killed until its value shall have been determined by the owner and the commissioner. In case they can not

⁴ Supplement 42 to Public Health Reports, p. 115.

agree upon the value of such animal, each shall choose an arbitrator, and the two so chosen shall choose a third and the three so chosen shall determine the value of such animal, and the value so determined shall, when approved by the commissioner, and when a sworn certificate shall have been filed with the commissioner that such animal has been killed and buried and the premises disinfected by order of the commissioner, be paid to the owner by the State upon the order of the comptroller; but no animal the physical condition of which is such that it is of no real value, and no animal which shall have been in the State for a period of less than three months next preceding its quarantine, shall be paid for by the State. The provisions of this act shall not apply to animals condemned to prevent the spread of the foot-and-mouth disease. When the value of any such animal shall be appraised as provided herein, the State shall pay for any full-bred bovine or equine animal a sum not exceeding \$150, and for any such graded animal a sum not exceeding \$125. No compensation shall be paid to the owner of any such domestic animal by the State unless such animal shall have been destroyed to prevent the spread of an infectious disease."

Toilets in Public Places—Required to be Kept in a Sanitary Condition. (Ch. 192, Act May 24, 1923)

SECTION 1. Any owner or person having the care, custody, or control of any building, room, or premises maintained for or used by the public who shall allow any toilet in any such building, room, or premises or connected therewith to be in an unsanitary condition shall be fined not more than \$100 for each offense.

SEC. 2. The health officer of each town, city, or borough shall inspect each such toilet and cause the same to be maintained in a sanitary condition and shall make complaint of any failure to maintain any such toilet in such condition to any prosecuting officer having jurisdiction. The failure of any health officer to perform his duty under the provisions of this act shall be cause for removal of such health officer.

Toilet Accommodations—Providing and Maintenance of, in Manufacturing, Mechanical, and Mercantile Establishments. (Ch. 117, Act May 9, 1923)

SECTION 1. The owner of any building occupied by one or more manufacturing, mechanical, or mercantile establishments shall be required to furnish accommodations and the ventilation thereof, subject to the provisions of chapter 266 of the Public Acts of 1921, and the occupant of any such building shall maintain the same, subject to the provisions of said act.

SEC. 2. Section 2 of chapter 266 of the Public Acts of 1921 is repealed.

Sewerage Systems—Contracting for the Use of, by Adjoining Towns or Property Owners Therein. (Ch. 16, Act Mar. 9, 1923)

SECTION 1. Any town, city, borough, fire, or sewer district maintaining a sewerage system may contract with any adjoining town or property owner therein for connection with and the use of such sewerage system.

SEC. 2. Any such contract made prior to the taking effect of this act is ratified.

Deaths—Registration. (Ch. 270, Act June 4, 1923)

Section 330 of the general statutes as amended by chapter 45⁵ of the Public Acts of 1919 is amended to read as follows:

"The physician last in attendance upon a person in his last sickness, within twenty-four hours after the death of such person, or a medical examiner, in any case of which he shall have cognizance at the time of making his report, shall make a certificate upon a blank furnished by the State department of health, stating the full name of the deceased, the disease of which he died, or the cause of death, defined so that such death may be classified under the international list of causes of death, and the duration of disease if known; and such physician shall provide that such certificate may be obtained at his office upon application therefor. In case no physician attended such deceased person, or in case of the inability of the attending physician, by reason of sickness, death, or absence, to make out such certificate, a near

⁵Supplement 42 to Public Health Reports, p. 118.

relative may procure such certificate from the health officer of the town, city, or borough in which such person died. Such certificate, together with the undertaker's certificate herein provided for, shall be deposited with the registrar of the town in which such person died, to obtain a permit for burial or removal as provided in sections 332 and 339 of the general statutes. A certificate of death which shall not define the disease or other cause of death as herein provided shall not be deemed a sufficient basis upon which to issue a burial or removal permit, and such certificate shall be returned to the physician who made it for the proper correction and definition, unless it shall be specifically stated therein that the cause of death is not obtainable.

"The undertaker or person in charge of the burial of the deceased person shall make out a certificate upon a blank furnished by the State department of health stating the full name of the deceased; the date of death; the place of death, including street number, and ward, if any; the number of families in the house, if tenement; residence at time of death; occupation; condition, single, married, divorced, or widowed; and if a wife or widow, of whom; date of birth; sex; color; birthplace; father's name in full; father's birthplace; mother's full maiden name; mother's birthplace; place of burial; from whom he received the information; whether or not the body was embalmed, and if so the name of the embalmer and the number of his license, which certificate shall be signed by such undertaker. When any person shall have died from any communicable disease named in the sanitary code, no person except a duly licensed embalmer shall have charge of such body and only a licensed embalmer shall sign the undertaker's certificate required by this act. Such licensed embalmer shall also give to such registrar a certificate signed and sworn to by himself or some other licensed embalmer stating that the body has been disinfected in accordance with the method prescribed and in force at the time of death by the State department of health, or inclosed in an air-tight coffin or case, hermetically sealed. No burial permit shall be issued in any such case upon a certificate not so signed by a licensed embalmer. Any person who shall violate any provision of this act, or who shall knowingly sign a false certificate, shall be fined not more than \$25."

Advertisements—Untrue, Deceptive, or Misleading, Prohibited. (Ch. 265, Act June 4, 1923)

SECTION 1. Any person, firm, corporation, or association, or agent or employee thereof, who, with intent to sell or dispose of merchandise, real estate, securities or service, or to induce the public to enter into any obligations relating thereto shall make, publish, circulate, or place before the public in a newspaper, magazine or other publication, or in form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, any advertisement or statement regarding merchandise, real estate, securities or service, which advertisement or statement contains anything untrue, deceptive, or misleading, shall be fined not more than \$1,000.

Sec. 2. Section 6516 of the general statutes is repealed.

DELAWARE

State Health and Welfare Commission—Creation, Organization, Compensation, Powers, and Duties—Qualifications, Appointment, Compensation, and Duties of Executive Secretary—Location of Headquarters. State Child-Welfare Commission, State Tuberculosis Commission, and State Board of Health—Abolishment. (Ch. 57, Act Apr. 5, 1923)

SECTION 1. Beginning with the year A. D. 1923, the governor shall appoint seven persons who shall constitute the State health and welfare commission; four of the persons so appointed shall be physicians who shall be selected from a complete list of all the doctors of the State; one of such physicians shall reside in the city of Wilmington, one in New Castle County outside of the city of Wilmington, one in Kent County, and one in Sussex County. Three of the persons appointed to said commission shall be women, and of the persons first appointed one shall be selected from a list submitted by the child-welfare commission, another shall be selected from a list submitted by the tuberculosis commission, and the remaining member of the commission shall be a woman who has had business experience: *Provided, however,* That in the selection and appointment of the members of said commission not more than four of the persons so selected and appointed shall be of the same political party.

The persons thus appointed shall be so designated by the governor that the term of office of one of them shall expire in one year, the term of two shall expire in two years, the term of two shall expire in three years, and the term of the remaining two shall expire in four years, and their successors shall be appointed by the governor for a term of four years, or until their successors shall be duly appointed and qualified. Any vacancies occurring shall be filled by the governor for the unexpired term.

SEC. 2. The said State health and welfare commission shall organize annually by electing a president and such other officers as the said commission may deem necessary. The said commission shall also elect and appoint an executive secretary, who shall be a trained health person. The commission shall fix the salary of the executive secretary at a sum not exceeding \$5,000 per annum. The executive secretary shall hold office until his successor shall be duly chosen by the said commission.

The members of the commission shall receive their actual traveling expenses when attending meetings of the commission; but shall receive no other compensation. The said commission shall hold meetings monthly or oftener if deemed necessary. Four members shall constitute a quorum for the transaction of business. The said commission shall have power to adopt by laws and rules for their government, subject to the provisions of the laws of this State.

SEC. 3. The State health and welfare commission shall establish headquarters in the city of Dover, and if not [no] suitable place shall be provided in the state-house or in other State property, the commission shall have authority to select some suitable place for the establishment of such headquarters.

SEC. 4. The State health and welfare commission shall have and is hereby vested with all the rights, powers, duties, obligations, and authority of the present existing child's welfare commission, the tuberculosis commission, and the State board of health.

SEC. 5. The executive secretary of the State health and welfare commission shall, with the approval of the commission, make a biennial report to each session of the General Assembly of the State of Delaware, which report shall also contain a budget for the ensuing two years.

SEC. 6. That all appropriations of State money for the child-welfare commission, the tuberculosis commission, or the State board of health shall become and be available for maintaining and carrying forward the work contemplated by the provisions of this act and the said State health and welfare commission shall employ and use such moneys as they shall deem best in the promotion of such work.

SEC. 7. The executive secretary of the State health and welfare commission shall annually in the month of June present to the auditor of accounts all the books of the financial doings of the board, together with all vouchers of settlement.

SEC. 8. The salary of the secretary shall be paid monthly, which, and all other necessary expenses of the State health and welfare commission incurred in accordance with the provisions of the laws of the State of Delaware, shall be paid by the treasurer of the State out of moneys not otherwise appropriated upon the order of the president of the board, countersigned by the executive secretary.

SEC. 9. As soon as the State health and welfare commission shall organize under this act, the child welfare commission, the tuberculosis commission, and the State board of health shall, respectively, transfer and turn over to the State health and welfare commission all papers, files, documents, books, records, and other property whatsoever belonging or pertaining to the respective commissions and boards, and thereupon the said child welfare commission, the said tuberculosis commission, and the said State board of health shall be abolished and the term of office of the various officers of the said commissions and boards shall terminate.

All the power and authority heretofore belonging to or vesting in the child welfare commission, the tuberculosis commission, and in the State board of health shall be transferred to and vest in the said State health and welfare commission, which is hereby clothed with all the power and authority necessary for the competent discharge of the duties imposed upon said commission.

Condensed, Evaporated, and Concentrated Milk—Definition—Manufacture and Sale. Filled Milk—Manufacture and Sale. (Ch. 52, Act Mar. 28, 1923)

SECTION 1. That for the purpose of this act condensed, evaporated, and concentrated milk is defined as the product resulting from the evaporation of a considerable portion of the water from the fresh clean lacteal secretion, colostrum free, obtained by the complete milking of cows properly fed and kept, said product to contain when made from whole milk or from milk with adjustment, if necessary, of the ratio of fat to nonfat solids by the addition or by the abstraction of cream without added sugars all tolerances allowed at least 25.5 per cent of milk solids and not less than 7.8 per cent of milk fat: *Provided, however*, That the sum of the percentage of milk fat and total milk solids be not less than 33.7 per cent when made from whole milk with added sugars all tolerances allowed at least 8 per cent of milk fat and when made from skimmed milk to contain all tolerances allowed at least 20 per cent of milk solids.

SEC. 2. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself, or themselves, or by his, her, its or their agents, servants, or employees, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed, evaporated, or concentrated milk which shall not conform at least to the minimum standards set forth respectively in section 1 hereof and when contained in hermetically sealed cans does not bear stamped or labeled thereon the name and address of the manufacturer thereof.

SEC. 3. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to or with which has been added, blended, or compounded any fats or oils other than milk fats either under the name of said products or articles or the derivatives thereof if labeled or sold under any fictitious, coined, or trade names whatsoever.

SEC. 4. Any violation of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership or as a responsible agent or officer of an incorporate body, who shall be convicted of such violation either on his own behalf or in the interest of a corporate body shall be sentenced to undergo an imprisonment of not less than 30 days nor more than 60 days or to pay a fine of not less than \$50 nor more than \$100, or both.

SEC. 5. Should any section or any part of a section or section[s] hereof become or be declared to be inoperative or void for any cause or reason whatsoever the remainder of the sections or of such sections shall be and remain in full force and effect.

SEC. 6. The State board of agriculture shall be charged with the enforcement of the provisions of this act. Nothing contained in this section shall be construed

to prevent any individual from prosecuting anyone violating any of the provisions of this act.

SEC. 7. That reasonable time may be allowed to dealers for the disposal of commodities, the sale of which is prohibited by this act, which they may have in stock for sale at the time of the enactment into law of this act, this law shall not become effective until 30 days after its enactment.

Oleomargarine and Imitation Butter—Manufacture and Sale. (Ch. 216, Act Mar. 23, 1923)

That chapter 100 of the Revised Code of the State of Delaware be, and the same is hereby, amended by repealing all of 3527, section 92 of said chapter, and substituting in lieu thereof the following:

"3527. Sec. 92. *Oleomargarine; manufacture or sale of imitations of butter unlawful; regulations; violation a misdemeanor; penalty.*—No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell any article, product, or compound made wholly or partly out of any fat, oil, oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same: *Provided*, That nothing in sections 92 to 94, inclusive, of this chapter shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like yellow butter. But when any person exposes for sale in this State oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon or across the surface of the exposed contents of every open tub, package, or parcel thereof a placard with the words 'Oleomargarine,' 'Butterine,' or whatever the name of the contents of the package may be, printed thereon in plain, uncondensed gothic letters, not less than 1 inch long. And no person exposing for sale or advertising any oleomargarine, butterine, or any other substance made in imitation of butter shall use in such advertisement the picture of a cow or the name of any dairy breed of cattle or any dairy term whatsoever. If any person shall violate any of the provisions of this section, he shall be deemed guilty of a misdemeanor and be punishable in the court of general sessions as hereinafter provided."

Nonalcoholic Beverages—Licenses for the Manufacture and Sale of—Sanitary Requirements Governing the Manufacture, Packing, Storage, Sale, or Distribution of. (Ch. 55, Act Mar. 30, 1923)

That chapter 25 of the Revised Code of the State of Delaware be, and the same is hereby, amended by adding thereto the following sections to be styled as: 780A, section 45A; 780B, section 45B; 780C, section 45C; 780D, section 45D; 780E, section 45E; 780F, section 45F; 780G, section 45G; 780H, section 45H; 780I, section 45I; 780J, section 45J; 780K, section 45K.

"780A, SEC. 45A. That no person, firm, or corporation shall manufacture for sale in bottles or jugs any soft drink or other nonalcoholic beverage (except apple cider) within this State without having first applied for and having received a license from the State board of health. Said application shall contain the name of the applicant, his address, and the location of his manufacturing plant or plants, the name of the beverage or beverages manufactured, and such other pertinent information as shall be prescribed by the State board of health in pursuance of the provisions of this act. The application shall be accompanied by a fee of \$25, upon receipt of which application and fee the State board of health shall issue to said applicant a license for the manufacture of the beverages mentioned in this section. Said license shall extend for one year from the date of its issue, unless sooner revoked, as herein provided, and shall be renewed annually thereafter. A license may be denied at the time of application if the establishment of the applicant is known to be in an unsanitary condition or if the water supply is known to be dangerously polluted. No soft drink or other nonalcoholic beverage (except apple cider) not manufactured in this State shall be sold or offered for sale in the State of Delaware unless same is first inspected and registered with the State board of health, and an inspection fee of \$5 for each such drink or other nonalcoholic beverage bearing a distinguishing flavor or name shall be paid by said manufacturer, his agent or dealer, to the State board of health, same to be renewed annually.

"780B, SEC. 45B. That all moneys collected by the State board of health under the provisions of this act shall be paid into the State treasury.

"780C, SEC. 54C.¹ That persons, firms, or corporations granted a license to manufacture soft drinks or other nonalcoholic beverages must comply with the following requirements:

"(a) Every building, room, basement, or cellar occupied or used for the preparation for sale, manufacture, packing, storage, sale, or distribution of any drink products shall be properly lighted, drained, plumbed, and ventilated and conducted with due regard for the purity and wholesomeness of the products therein produced, and with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed. The term "Drink Products" as used herein shall include all waters, beverages, soft drinks, and like products, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

"(b) The floors, side walls, ceilings, furniture, receptacles, implements, and machinery of every establishment where drink products are manufactured, packed, stored, sold, or distributed shall at all times be kept in a clean, healthful, and sanitary condition.

"(c) Drink products in the process of manufacture, preparation, packing, storing, sale, or distribution must be securely protected from flies, dust, dirt, and, as far as may be necessary, from all other foreign or injurious contamination.

"(d) All refuse, dirt, and waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, and distribution of drink products must be removed from the premises daily.

"(e) All bottles, jugs, barrels, and other containers used in the packing, storage, distribution and sale of drink products must be cleansed with water containing a detergent or cleansing mixture, and before filling with food product must be sterilized with boiling water, live steam or a solution or [of] sodium hypochlorite, or by some other effective system which meets with the approval of the board of health. It is provided, however, that when bottles are washed by machine with the water at a temperature of at least 125° F. and containing a cleansing mixture of a strength equivalent to at least 2½ per cent caustic soda, and are rinsed with clean, pure water, sterilization with steam, hot water or sodium hypochlorite may be dispensed with. All water used for rinsing must be potable and of good sanitary quality. The cleansing solution must be changed frequently so as to prevent its becoming foul and insanitary.

"(f) The clothing of operatives, employees, clerks, or other persons must be clean.

"(g) The side walls and ceilings in that part of bottling establishments in which the beverages or sirups are manufactured shall be kept oil painted or well lime-washed, and all interior woodwork in every bottling establishment shall be kept washed and cleansed with soap and water, and every building, room, basement or cellar occupied for use in the preparation, manufacture, packing, storage, sale or distribution of drink products shall have an impermeable floor made of cement or tile, laid in cement, brick, wood, or other suitable nonabsorbent material which can be flushed and washed clean with water.

"(h) The floors [doors], windows, and other openings of sirup rooms or any part of a bottling establishment used in the manufacture or mixing of sirups and extracts, etc., shall be fitted with self-closing screen doors and wire window screens made with wire of not less than fourteen meshes to the inch.

"(i) No employer shall knowingly permit, require, or suffer any person to work in a bottling establishment who is afflicted with any contagious or infectious disease, or with any skin disease.

"(j) Every bottling establishment shall be provided with or have available for use a convenient washroom and toilet of sanitary construction, but such toilet shall be entirely separate and apart from any room used for the manufacture or storage of drink products.

"780D, SEC. 45D. That all licenses granted shall be numbered and bear the name of the town or city and the street address where the establishment is located, and all permits so granted shall be displayed in a conspicuous place on the premises so covered.

"All delivery trucks and wagons maintained by persons holding permits shall be kept clean and shall bear the permit number and the name of the town or city where the establishment is located.

¹ So enrolled.

"780E, Sec. 45E. That the State board of health shall have the power to revoke any license issued under the provisions of this act whenever it is determined by itself or the pathologist and bacteriologist, chemist, or other properly qualified officials that any of the provisions of this act have been violated. Any person, firm, or corporation whose license has been so revoked, shall discontinue the manufacture or sale within this State of soft drinks, sirups, or other nonalcoholic beverages until the provisions of this act have been complied with and a new license issued. The State board of health may revoke such license temporarily, until there is a compliance with such conditions as it may prescribe, or permanently for the unexpired period of such license.

"780F, Sec. 45F. That before revoking any license the State board of health shall give written notice to the licensee affected, stating that it contemplated the revocation of the same and giving its reason therefor. Said notice shall appoint a time of hearing before said board or its deputies, and shall be mailed by registered mail to the licensee. On the day of hearing the licensee may present such evidence to the State board of health as he deems fit, and after hearing all the testimony, the State board of health shall decide the question in such a manner as to it appears just and right.

"780G, Sec. 45G. That any licensee who feels aggrieved at the State board of health may appeal from said decision within ten days by writ of certiorari to the supreme court of the county where licensee resides, and issue shall be framed in said court and a trial had, and its decision shall be final.

"780H, Sec. 45H. That the use of saccharine, dulcin, glucin, and other artificial sweeteners is prohibited.

"780I, Sec. 45I. That for the purpose of this act all soft drinks or other non-alcoholic beverages, except nonalcoholic fruit juices, shall consist of a beverage made from pure cane or beet sugar sirup or such other sweetening liquids or substances as shall be permitted by the regulations of the State board of health containing pure flavoring material with or without added fruit acid, with or without added color: *Provided*, That nothing in act shall prohibit the use of any other harmless ingredient in the manufacture of soft drinks or other nonalcoholic beverages. The provisions of this section shall not apply to nonalcoholic beverages, made in imitation of beer, bitter drinks, and other similar drinks. It is provided further that when artificial coal-tar colors are used nothing but the certified colors as approved by the Federal Government are permissible.

"780J, Sec. 45J. That the pathologist and bacteriologist of the State board of health shall be charged with the act of enforcement of the provisions of this act.

"780K, Sec. 45K. Nothing in this act shall apply to persons, firms, or corporations operating a soda fountain, provided the soft drinks there manufactured shall be used on the premises."

Habit-Forming Drugs—Penalty for Violation of Act Relating to. (Ch. 217, Act Mar. 7, 1923)

SECTION 1. That chapter 100 of the Revised Code of the State of Delaware, as the same has been heretofore amended, be and the same is hereby further amended by repealing all of 3595P, section 160P, and substituting in lieu thereof the following:

"3595P. SEC. 160P. That any person who violates or fails to comply with any of the requirements of this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$3,000 or by imprisonment for not more than ten years, or by both, in the discretion of the court."

Mental Defectives—Sterilization. (Ch. 62, Act Apr. 28, 1923)

SECTION 1. Upon the written application of the board or commission having control of any State or county institution which has charge of insane, feeble-minded, or epileptic persons, to the State board of charities, the said board is hereby authorized to appoint one physician and one alienist of recognized ability whose duty it shall be in conjunction with the superintendent of the institution where such persons are cared for to examine into the mental and physical condition of the persons mentioned in said written request who are legally confined in such institutions and should such physician, alienist, and superintendent unanimously determine that procreation is unadvisable it shall then be lawful, with the written consent of the State board of charities for the board or commission having the custody of such person so examined, to have such an operation performed on such person for the prevention of procreation as shall be

decided by said physician and alienist as safest and most effective: *Provided however*, That before such operation shall be performed it shall be the duty of the board or commission having the custody of such person to give at least thirty days' notice in writing to the husband or wife, parent, or guardian if the same shall be known and can be located and if unknown to the person with whom such inmate last resided if such person can be located.

SEC. 2 The board or commission having the custody of any person operated upon under this act shall pay out of its funds for the cost of the examination and the cost of performing the operation and hospital bills and transportation in connection therewith.

SEC. 3. A record shall be kept in every institution having the custody of any person operated upon under this act, of such operation and of its effect upon the person operated upon, and such records shall at all times be subject to inspection by the State board of charities, which board shall biennially report to the legislature the results of such operations, together with any recommendations it may see proper to make in the premises.

DISTRICT OF COLUMBIA¹

Dogs—Required to be Muzzled During Certain Months. (Order of Commissioners, June 12, 1923)

That under the provisions of section 7 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," the commissioners hereby give notice that every dog in said District shall, for a period of three months from and after July 1, 1923, wear a good substantial muzzle, securely put on, so as to prevent it from biting or snapping; and any dog going at large during said period without such muzzle shall be taken up by the poundmaster and impounded: *Provided*, That this order shall not apply to dogs held in leash by their owners.

Camps—Sanitary Requirements. (Order of Commissioners, Apr. 6, 1923)

That Article XVI of the police regulations of the District of Columbia be, and the same is hereby, amended by changing the number of section 28 to section 29 and inserting a new section to be known as section 28, to read as follows: "Sec. 28. No person or persons shall set up, maintain, or establish within the District of Columbia for a period of longer than twenty-four hours any camp or a temporary place of abode in tents, wagons, vans, automobiles, or caravan or gypsy wagons, unless the lot or parcel of land on which the same shall be maintained or established is provided with suitable sewerage and water facilities, and can otherwise be maintained in a sanitary condition to the satisfaction of the health officer of the District of Columbia. Any person or persons who shall set up, maintain, or establish any such camp in the District of Columbia in violation of this section shall be subject to a fine of \$25 per day for each day the camp shall be maintained, and any person living or sleeping at or within any such camp in violation of this regulation shall be liable to a fine therefor of \$10 per day."

¹ For other legislation applicable to the District of Columbia see laws under United States.

FLORIDA

Saccharin or Other Artificial Sweetener and Food or Drink Containing Saccharin or Other Artificial Sweetener—Sale—Manufacture of Such Food or Drink. (Ch. 9363, Act of 1923)

SECTION 1. That the sale of saccharin, a drug, or other artificial sweetener for use as a substitute for sugar; or the manufacture or sale of foods or drinks of any kind containing saccharin or other artificial sweetener as a substitute for sugar in part or in whole, is prohibited in the State of Florida: *Provided*, That the saccharin, or foods containing saccharin, shall be sold or dispensed only by duly licensed pharmacists, upon the written prescription of duly licensed practicing physicians, with the date and name of physician and of the person for whom prescribed, and kept on file by the pharmacist.

SEC. 2. That any person, firm, or corporation or representative or agent thereof who shall sell, or in any other manner by gift or otherwise dispose of saccharin or other artificial sweetener as a substitute to be used in the place of sugar in foods or drink; or who shall manufacture, sell or otherwise dispose of foods or drinks containing saccharin or other artificial sweetener as a substitute for sugar, in any proportion, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$200 or imprisoned not less than thirty days nor more than six months; or both such fine and imprisonment, in the discretion of the court, for the first offense. Upon conviction of a second violation of this act, the offender shall be held guilty of a felony and shall be fined not less than \$100, and shall be imprisoned in the State penitentiary for not less than three months nor more than two years, at the discretion of the court.

SEC. 3. All saccharin, or other artificial sweetener, sold for use in foods, or food containing saccharin or other artificial sweetener, shall be forfeited to the State, and shall be ordered destroyed by the court.

SEC. 4. The execution of this act shall be under the general provisions of the pure food and drugs law, sections 2035 to 2046, both inclusive, and section 5517, of the Revised General Statutes of Florida, of 1920, and amendments thereto.

Hotels, Rooming Houses, and Restaurants—Sanitary Requirements—Employees. (Ch. 9264, Act June 7, 1923)

SEC. 5. That section 2133 of the Revised General Statutes be amended to read as follows:

"SEC. 2133. *Sleeping rooms.*—No room shall be used for a sleeping room which does not open to the outside of the building, air shafts or courts, and all sleeping rooms shall have at least one door with a transom as wide as the door; and all such windows and transoms [sic] shall be screened with wire not less than sixteen mesh screening.

"In each sleeping room there must be at least one window with opening so arranged as to provide easy access to the outside of building or courts: *Provided*, That hotels, rooming houses, and restaurants shall be allowed thirty days after receipt of notice from the hotel commissioner in which to comply with the provisions of this section."

SEC. 6. That section 2134 of the Revised General Statutes be amended to read as follows:

"SEC. 2134. *Equipment required in certain cities.*—In all cities, towns, and villages where a system of waterworks is maintained for public use, every hotel, rooming house, and restaurant therein operated shall, within sixty days after receipt of notice from the hotel commissioner, be equipped with suitable water-closets or closets for the accommodation of its guests, and such water-closets or closets shall be connected by proper plumbing with sewerage and means of flushing such water-closets or closets with the water of said system in such manner as to prevent sewer gas or effluvia from arising therefrom. All lavatories, bathtubs, sinks, drains, closets, and urinals in such hotels, rooming houses, and restaurants

must be connected and equipped in a similar manner both as to methods and time: *Provided*, That each hotel and rooming house shall maintain not less than one toilet for each sex, properly designated, and one public bath, on each floor, for every fifteen guests, or major fraction of that number, rooming on that floor, not provided with private or connecting bathroom. Public baths shall not be required in hotels where each room is provided with a bath: *Provided*, That hotels, rooming houses, and restaurants shall be allowed sixty days after receipt of notice from the hotel commissioner in which to comply with the requirements of this section."

* * * * *

SEC. 10. That section 2153 of the Revised General Statutes be amended to read as follows:

"SEC. 2153. *Kitchens of hotels and restaurants to be screened; employees to be free from communicable disease.*—It shall be unlawful for any person, firm, or corporation to operate any hotel, boarding house, restaurant, or lunch counter within this State, without keeping all doors, windows, and other similar openings in or to dining rooms, kitchens, or any other place where food is prepared, served, or stored, and passageways between the same, and hallways leading thereto, screened with wire netting, with mesh sufficiently close to prevent the admission of flies: *Provided further*, That no person suffering from any contagious or communicable disease shall be employed in any hotel, apartment house, rooming house, or restaurant to prepare or handle food, drinks, dishes, towels, or linens, or in any other capacity whereby such disease might be communicated to guests or tenants. All such employees shall furnish health certificates, signed by a registered licensed physician or family practitioner of the State of Florida, whenever the hotel commissioner or inspector, in his discretion, deems it necessary for the protection of public health."

GEORGIA

State Board of Health—Membership. (No. 114, Act Aug. 17, 1923)

SECTION 1. That from and after the passage of this act section 1 of the act approved August 17, 1914, of the laws of 1914, page 124, be, and the same is hereby, amended by adding after the word "physician[s]" in the ninth line of said first section, the following: "and at least two of said members shall be doctors of dental surgery in the active practice of their profession," so that when said section shall be so amended it shall read as follows:

"The State board of health shall consist of fifteen members, three of whom, the secretary of the State board of health, the State superintendent of schools, and the State veterinarian, shall be members by virtue of their offices, and twelve who shall be appointed by the governor, one from each congressional district, and a majority of whom shall be physicians and at least two of said members shall be doctors of dental surgery in the active practice of their profession: *Provided, however,* That the present members of the State board of health shall serve as members of the State board of health under the provisions of the law until the termination of their present terms of office."

SEC. 2. That the appointments to be made under the above amendment shall be made by the governor to succeed the present members of said board whose terms expire January 1, 1925.

HAWAII

Trained Nutrition Workers in the Public Schools—Appointment, Duties, and Compensation. (Act 185, May 2, 1923)

SECTION 1. The superintendent of public instruction is hereby authorized to appoint, with the approval of the commissioners of public instruction, two trained and experienced nutrition workers for the purpose of carrying on nutrition work in the public schools of the Territory, under such rules and regulations as the commissioners of public instruction shall make from time to time. The salary of such workers shall be not more than \$175 per month each.

SEC. 2. There is hereby appropriated out of the general revenues of the Territory the sum of \$10,800 for salaries, traveling and other expenses of said nutrition workers, to be disbursed on warrants issued by the auditor upon vouchers approved by the superintendent of public instruction, for the period from July 1, 1923, to June 30, 1925.

SEC. 3. This act shall take effect July 1, 1923.

Milk—Grades—Sanitary Requirements Governing the Several Grades. (Reg. Bd. of H., Sept. 24, 1923)

All milk sold or offered for sale, if graded, shall be classed in either of the following divisions: Grade AA, raw; Grade AA, pasteurized; Grade A, raw; Grade A, pasteurized.

Pasteurized milk shall be deemed to be milk which has been heated to a temperature ranging from 140° to 145° Fahrenheit for a minimum time of thirty consecutive minutes and rapidly cooled after such heating to 50° Fahrenheit, or below.

The use of the classification "baby milk" in the grading of milk is hereby prohibited.

Grade AA, raw: This grade of milk must be produced on dairies that are constructed and maintained in accordance with the dairy sanitary regulations of the board of health, and which score not less than 80 per cent on the score card hereto attached, marked "Exhibit A" and hereby made a part hereof: *Provided*, That if such milk is handled by a bottling or milk plant prior to delivery to the consumer, the said plant must be constructed and maintained in accordance with the dairy regulations of the board of health and must score not less than 80 per cent on the score card hereto attached, marked "Exhibit B" and made a part hereof.

Such milk must not at any time previous to delivery to the consumer have an official plate count of more than 25,000 bacteria per cubic centimeter, and delivery to the consumer must be made within twenty-four hours after milking.

Such milk must be delivered to consumers only in containers sealed at the dairy or bottling plant. The caps or tags must bear the term "Grade AA, raw" in large plain type and the name of the dealer.

Grade AA, pasteurized: This grade of milk must be produced on dairies or milk plants that are constructed and are maintained in accordance with the dairy sanitary regulations of the board of health. If produced at a dairy, the dairy must score not less than 75 per cent on the score card heretofore referred to as "Exhibit A." If such milk is handled at a bottling or milk plant, such plant must score not less than 75 per cent on the score card heretofore referred to as "Exhibit B."

Such milk must not at any time after pasteurization and previous to delivery to the consumer have an official plate count of more than 25,000 bacteria per cubic centimeter.

Such milk must be delivered within twenty-four hours after pasteurization.

Such milk must be delivered to consumers only in containers sealed at the dairy or bottling or milk plant. Caps and tags must bear the term "Grade AA, pasteurized" in large, plain type, and the name of the dealer.

Grade A, raw: This milk must be produced on dairies that are constructed and are kept in accordance with the dairy sanitary regulations of the board of health. If produced at a dairy such dairy must score not less than 70 per cent on the score card heretofore referred to as "Exhibit A," and if handled at a milk or bottling plant, such plant must score not less than 70 per cent on the score card heretofore referred to as "Exhibit B."

Such milk must not at any time previous to delivery to the consumer have an official plate count of more than 125,000 bacteria per cubic centimeter.

Such milk must be delivered within twenty-four hours from the time of milking.

Such milk must be delivered to consumers only in containers sealed at the dairy, or milk or bottling plant. The caps or tags must bear the term "Grade A, raw," in large, plain type, and the name of the dealer.

Grade A, pasteurized: This milk must be produced or handled on dairies or milk plants that are constructed and are maintained in accordance with the dairy sanitary regulations of the board of health. If such milk is produced at a dairy, the dairy must score not less than 60 per cent on the score card heretofore referred to as "Exhibit A." If produced at a milk or bottling plant, such plant must score not less than 60 per cent on the score card heretofore referred to as "Exhibit B."

Such milk must not at any time after pasteurization and previous to delivery to the consumer have an official plate count of more than 75,000 bacteria per cubic centimeter.

Such milk must be delivered within twenty-four hours after pasteurization.

Such milk must be delivered to consumers only in containers sealed at the dairy or milk or bottling plant. Caps and tags must bear the term "Grade A, pasteurized," in large, plain type, and the name of the dealer.

Regular milk—not classified—raw or pasteurized: This milk must be produced or handled on dairies or milk or bottling plants that are constructed and maintained in accordance with the dairy sanitary regulations of the board of health. If such milk is produced and or [sic] handled at a dairy, such dairy must score not less than 60 per cent on the score card heretofore referred to as "Exhibit A," and if handled at a milk or bottling plant such plant must score not less than 60 per cent on the score card heretofore referred to as "Exhibit B."

Such milk must not at the time of delivery to the consumer have an official plate count of more than 500,000 bacteria per cubic centimeter.

Such milk must be delivered within twenty-four hours from the time of milking or after pasteurization as the case may be.

Such milk if bottled must be delivered to consumer only in containers sealed at the dairy or bottling plant.

Any milk having an official plate count of more than 1,000,000 bacteria per cubic centimeter, or containing excessive amounts of sediment shall not be sold as milk but can be disposed of according to the discretion of the food inspector, or his deputy.

It shall be optional with dairymen or milk or bottling plants to guarantee the butter fat content of their milk on the milk bottle cap.

Bacteriological examinations of milk shall be made according to the "Standard methods for the bacteriological examination of milk," as set forth by the American Public Health Association.

That paragraph 5 of section 82 of the sanitary code of the board of health is hereby repealed.

Paragraph 12 of section 82 of the sanitary code of the board of health, relative to cooling of milk, is hereby repealed, and the following is substituted therefor:

"All milk upon being drawn from the cow shall be immediately cooled to the temperature of the running water on the premises (about 77° F.) and kept at such temperature until delivered: *Provided, however,* That milk not delivered to the consumer within one hour after the time of milking or milk not delivered to a milk or bottling plant within three hours after the time of milking shall be further cooled to a temperature of not over 60° F. and kept at such a temperature until delivered."

SCORE CARDS

EXHIBIT A

BOARD OF HEALTH OF THE TERRITORY OF HAWAII—FOOD AND DRUG BUREAU

SCORE CARD FOR DAIRIES

Owner or lessee of farm.....
 P. O. address.....
 Island.....
 Total number of cows.....
 Number milking.....
 Gallons of milk produced daily.....
 Product is sold by producer in families, hotels, restaurants, stores, to.....dealer.
 For milk supply of.....
 Permit No., 192.....
 Date of inspection.....
 Remarks:.....

(Signed)

Inspector.

Equipment:

Cows—	Perfect score.
Health.....	6
Apparently in good health, 1.	
If tested with tuberculin within a year and no tuberculosis is found, or if tested within six months and all reacting animals removed, 5.	
(If tested within a year and reacting animals are found and removed, 3)	
Food (clean and wholesome).....	1
Water (clean and fresh).....	1
Stables—	
Location of stable.....	2
Well drained, 1.	
Free from contaminating surroundings, 1.	
Construction of stables.....	4
Tight, sound floor and proper gutter, 2.	
Smooth, tight walls and ceiling, 1.	
Proper stall, tie, and manger, 1.	
Provision for light: Daylight or adequate artificial light.....	3
Ventilation and air.....	2
Feed room: Detached or tightly partitioned off.....	1
Utensils—	
Construction and condition of utensils.....	2
Water for cleaning.....	2
(Clean, convenient and abundant.)	
Small-top milking pail.....	5
Milk cooler.....	2
Clean milking suits.....	2
Milk room—	
Location: Free from contaminating surroundings.....	2
Construction of milk room.....	2
Floor, walls, and ceilings, 1.	
Light, ventilation, screens, 1.	
Separate rooms for washing utensils and handling milk.....	1
Facilities for steam.....	2
(Hot water, 1.)	
Total.....	40

Methods:

Cows—	
Clean.....	7
Free from visible dirt, 6.	
Brushed, 1.	
Stables—	
Cleanliness of stables.....	6
Floor, 2.	
Walls, 1.	
Ceilings and ledges, 1.	
Mangers and partitions, 1.	
Windows, 1.	
Stable air at milking time.....	5
Freedom from dust, 3.	
Freedom from odors, 2.	
Feed room: Condition of.....	1
Barnyard.....	2
Clean, 1.	
Well drained, 1.	
Removal of manure daily to 50 feet from stable.....	2
Milk room—	
Cleanliness of milk room.....	3
Utensils and milking—	
Care and cleanliness of utensils.....	8
Thoroughly washed, 2.	
Sterilized with steam for 15 minutes, 3.	
(Placed over steam jet or scalded with boiling water, 2.)	
Protected from contamination, 3.	

Methods—Continued.

Utensils and milking—Continued.

Cleanliness of milking.....	10
Cleanliness of milkers, 1.	
Clean, dry hands, 3.	
Udders hosed and wiped, 6.	
(Udders washed and wiped, 4.)	
(Udders cleaned with moist cloth, 1.)	
Handling the milk—	
Cleanliness of attendants in milk room.....	2
Milk removed immediately from stable without pouring from pail.....	2
Cooled immediately after milking each cow.....	2
Cooled below 50° F.....	5
(51° to 55°, 4; 56° to 60°, 2.)	
Bottled and capped by machine.....	1
Stored below 50° F.....	2
(51° to 55°, 2; 56° to 60°, 1.)	
Transportation below 50° F.....	2
(51° to 55°, 1; 56° to 60°, 1.)	
(If delivered twice a day, allow perfect score for storage.)	
Total.....	60
Equipment.....	plus
Methods.....	Equal.....Final score

NOTE 1.—If any exceptionally filthy condition is found, particularly dirty utensils, the total score may be further limited.

NOTE 2.—If the water is exposed to dangerous contamination, or there is evidence of the presence of a dangerous disease in animals or attendants, the score shall be 0.

EXHIBIT B

BOARD OF HEALTH OF THE TERRITORY OF HAWAII—FOOD AND DRUG BUREAU

SCORE CARDS FOR MILK PLANTS

Owner or manager.....
 Street and No.
 City..... Island.....
 Trade name.....
 Number of wagons.....
 Gallons sold daily:
 Milk.....
 Cream.....
 Permit or license No.
 Date of inspection....., 19..
 Remarks.....

Inspector.

Equipment:

Building—	Perfect score
Location: Free from contaminating surroundings.....	2
Arrangement.....	7
Separate receiving room, 1.	
Separate handling room, 2.	
Separate wash room, 1.	
Separate sales room, 1.	
Separate boiler room, 1.	
Separate refrigerator room, 1.	
Construction.....	12
Floors tight, sound, cleanable, 2.	
Walls tight, smooth, cleanable, 1.	
Ceilings smooth, tight, cleanable, 1.	
Drainage, 2.	
Floors, 1.	
Sewer or septic tank, 1.	
Provision for light, 2.	
(10 per cent of floor space.)	
Provision for pure air, 2.	
Screens, 1.	
Minimum of shafting, pulleys, hangers, exposed pipes, etc., 1.	
Apparatus.....	15
Boiler, 2.	
(Water heater, 1.)	
Appliances for cleaning utensils and bottles, 2.	
Sterilizers for bottles, etc., 2.	
Bottling machine, 1.	
Capping machine, 1.	
Wash bowl, soap and towel in handling room, 1.	
Condition, 6.	
Milk handling machinery, 3.	
Pipes, couplings and pumps, 2.	
Cans, 1.	
Laboratory and equipment.....	2
Water supply.....	2
Clean and fresh, 1.	
Convenient and abundant, 1.	
Total.....	40

Methods:		
Building	-----	14
Cleanliness—		
Floors, 3.		
Walls, 2.		
Ceilings, 2.		
Doors and windows, 1.		
Shafting, pulleys, pipes, etc., 1.		
Freedom from odors, 2.		
Freedom from flies, 3.		
Apparatus	-----	7
Cleanliness—		
Thoroughly washed and rinsed, 3.		
Milk-handling machinery, 2.		
Pipes, cans, etc., 1.		
Sterilized with live steam, 3.		
Milk-handling machinery, 2.		
Pipes, cans, etc., 1.		
Protected from contamination, 1.		
Bottles	-----	7
Thoroughly washed and rinsed, 3.		
Sterilized with steam for 15 minutes, 3.		
Inverted in clean place, 1.		
Handling milk	-----	22
Received below 50° F., 3.		
(50° to 55°, 2.)		
(55° to 60°, 1.)		
Rapidity in handling, 2.		
Freedom from undue exposure to air, 2.		
Cooling, 5.		
Promptness, 2.		
Below 45° F., 3.		
(45° to 50°, 1.)		
Capping bottles by machine, 2.		
Bottle top protected by cover, 1.		
Storage below 45° F., 4.		
(45° to 50°, 3.)		
(50° to 55°, 1.)		
Protection during delivery (iced), 2.		
Bottle caps sterilized, 1.		
Inspection	-----	6
Bacteriological work, 3.		
Inspection of dairies supplying milk, 3.		
(Twice a year, 2.)		
(Once a year, 1.)		
Miscellaneous	-----	4
Cleanliness of attendants, 2.		
(Personal cleanliness, 1.)		
(Clean, washable clothing, 1.)		
Cleanliness of delivery outfit, 2.		
Total	-----	60
Score for equipment	-----	plus
Score for methods	-----	equals
Total score	-----	

NOTES.—If the conditions in any particular are so exceptionally bad as to be inadequately expressed by a score of "0" the inspector can make a deduction from the total score.

Penalty.—Every person, firm, or corporation violating any of the foregoing regulations shall be punished by a fine not exceeding \$100.

Opium, etc.—Unlawful Sale and Use. (Act 132, May 2, 1923)

SECTION 1. Chapter 121 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as section 2075A, to read as follows:

"SEC. 2075A. Every person who opens or maintains, to be resorted to by any other person, any place where opium or any of its preparations or yenshee is sold or given away, to be smoked at such place; and any person who at such place sells or gives away any opium or any of its preparations or yenshee, to be there smoked, or otherwise used, except as in sections 2072 and 2074 provided; and every person found in such place when opium or any of its preparations or yenshee is being smoked is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment."

Bovine Tuberculosis—Prevention, Suppression, and Eradication—Tuberculin Testing of Cattle—Destruction of Diseased Cattle—Payments to Owners of Destroyed Cattle. (Act 124, May 1, 1923)

SECTION 1. All dairy cattle within this Territory more than six months old and all other cattle suspected of being affected with tuberculosis shall be tuberculin tested not oftener than once in six months, except in cases of herds having more than 5 per cent tuberculosis at the last test, in which cases more frequent tests may be made.

SEC. 2. All cattle found to be tuberculous either upon physical examination or by means of the tuberculin test shall be branded upon the left cheek with the registered brand "C."

SEC. 3. *Disposal of tuberculous animals.*—The owner of all cattle reacting to the tuberculin test shall cause them to be segregated immediately and, within a reasonable time thereafter, to be delivered for slaughter and inspection at such time and place as may be designated by the Territorial veterinarian, his assistant, or deputy. Such slaughter and inspection shall be under the direct supervision of the Territorial veterinarian, his assistant, or deputy, and in accordance with the meat-inspection regulations of the Federal Bureau of Animal Industry.

SEC. 4. *Indemnification.*—The amount of indemnification shall be based upon the results of the post-mortem inspection as follows:

(a) If an animal is found upon post-mortem examination not to be affected with tuberculosis, the owner shall be paid \$350 for a purebred registered animal or \$250 for a grade animal.

(b) If an animal is found upon post-mortem examination to be affected with tuberculosis, the owner shall be paid \$100 for a purebred registered animal or \$50 for a grade animal. The amount of indemnification being thus ascertained, the owner may present to the Territorial auditor a claim against the Territory of Hawaii for such indemnification. A warrant for the payment of such a claim shall be made upon vouchers approved by the president of the board of agriculture and forestry, and supported by the inspector's report on the presence or otherwise of tuberculous lesions: *Provided, (a)* That no indemnification shall be paid unless the owner has cooperated with the board in complying with all rules and regulations issued pursuant to the control and eradication of bovine tuberculosis and has presented his whole herd for testing: *And provided, (b)* That no indemnification shall be paid for any imported animal which, after admission to the Territory, shall have been placed in herds known to be infected at the time unless such animal is found upon post-mortem examination not to be affected with tuberculosis: *And provided, (c)* That no indemnification shall be paid for any imported animal condemned on retest while in quarantine and before release from quarantine unless such animal is found upon post-mortem examination not to be affected with tuberculosis.

In case of any report or ruling adverse to the owner hereunder, said owner shall be given a hearing before said board before a final ruling is made.

SEC. 5. Any premises upon which there have been kept animals affected with tuberculosis shall be disinfected promptly after the removal of such animals and in a manner satisfactory to the Territorial veterinarian, his assistant, or deputy, and at the expense of the owner.

SEC. 6. The board of agriculture and forestry is hereby authorized to cooperate with the Federal Bureau of Animal Industry in its efforts to eradicate bovine tuberculosis or any other transmissible disease of animals, and is authorized to make appraisals of condemned animals and to report on the salvage derived from the sale of such animals in conformity with the regulations of said Federal bureau.

SEC. 7. For the purpose of this act, including the payment of pending claims, the sum of \$25,000, in addition to any moneys now appropriated and available for this purpose, is hereby appropriated.

SEC. 8. Act 204 of the Session Laws of 1919, as amended by act 128 of the Session Laws of 1921, is hereby repealed.

Certificates of Hawaiian Birth—Issuance. (Act 246, May 2, 1923)

SECTION 1. Section 175 of chapter 20 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"SEC. 175. Issuance; procedure—The secretary of Hawaii may, whenever satisfied that any person was born within the Hawaiian Islands, cause to be issued to such person a certificate showing such fact. The secretary, with the approval of the governor, may make such regulations respecting the form of application and certificates, the method of proof, kind of evidence, and time, place, and manner of hearing, and all other matters and circumstances connected with such application, proof and hearing as to him may appear necessary, and such regulations, when so approved and published once a week for three successive weeks in a newspaper of general circulation published in the Territory, shall have the force of law, and such publication shall be deemed legal notice to all persons. The secretary may furnish the form of such applications and certificates. All applications shall be by sworn petition, in which the party shall set forth circumstantially all the facts upon which his application rests, and shall be accompanied by sworn affidavits of witnesses.

"The secretary and such persons as he may designate and appoint may examine under oath any applicant or person cognizant of the facts regarding any application, and for that purpose he and they may administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers, punish for contempts, and, generally, to exercise the same authority with regard to their special jurisdiction as is by law conferred on district magistrates.

"It shall be the duty of such agents to personally examine all applicants for birth certificates before presenting the same to the secretary and to personally perform all the duties in regard to the proper preparation of an application, without any aid from any capper or runner.

"The secretary of the Territory shall appoint not more than the following number of such agents on the following named islands: Island of Hawaii, two agents; island of Maui, two agents; island of Oahu, four agents; island of Kauai, one agent."

SEC. 2. Section 178 of the Revised Laws of Hawaii, 1915, as amended by act 30 of the Session Laws of 1921, is hereby amended to read as follows:

"SEC. 178. Fees shall be charged in connection with the issuance of such certificates as follows: For the filing of each application for a certificate a fee of \$2.50; for the issuance of any such certificate a fee of \$2.50; for certified copies of such certificates a fee of \$1 for each such certificate, and a charge of 50 cents for each 100 words contained in such certificate."

IDAHO

Tuberculosis Hospital Districts, Tuberculosis Hospitals, and State Tuberculosis Commission—Law Relating to, Repealed. (Ch. 34, Act Feb. 19, 1923)

SECTION 1. That chapter 58¹ of the Laws of 1919 and chapter 53 of the Compiled Statutes of Idaho codified therefrom, be, and the same hereby are repealed.

* * * * *

Filled Milk—Definition—Manufacture or Sale Prohibited. (Ch. 37, Act Feb. 21, 1923)

SECTION 1. The department of public welfare shall have charge of the enforcement of this act.

SEC. 2. That whenever used in this act the term "person" shall include an individual, partnership, corporation, or association. The term "filled milk" shall mean any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken for milk or cream or for evaporated, condensed, or powdered milk or cream.

SEC. 3. It is hereby declared that filled milk as herein defined is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture or sell or offer for sale within the State of Idaho any filled milk.

SEC. 4. Any person violating any of the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than \$1,000, or imprisonment in the county jail for not more than six months, or by [to] both such fine and imprisonment.

Confectionery and Gum—When Deemed Adulterated. (Ch. 29, Act Feb. 17, 1923)

SECTION 1. That section 1688, chapter 71, Idaho Compiled Statutes, be, and the same is hereby, amended to read as follows:

"SEC. 1688. *Adulteration of confectionery or gum.*—For the purpose of this article confectionery or gum shall be deemed to be adulterated if it contains paraffin, terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spiritous liquor or compound or narcotic drug."

Bovine Tuberculosis—Control and Eradication. (Ch. 146, Act Mar. 15, 1923)

SECTION 1. Whenever petitions signed by 60 per cent or more of the cattle owners, as designated by the last assessment rolls of the several taxing districts therein, who reside in any county, counties, or well-defined areas, which are segregated from other areas or separated from other areas by natural segregating boundary lines, such as mountain ranges, rivers, or canyons, shall be presented to the department of agriculture, asking that all cattle within such county, counties, or areas be tested for tuberculosis, said department is hereby authorized to make such test in the manner prescribed by sections 1854, 1855, 1856, 1859, and 1875, Idaho Compiled Statutes, 1919.

SEC. 2. The county commissioners of such county, counties, or areas shall appropriate as much money as they deem necessary for the control and eradication of any infectious, contagious, or communicable disease of livestock or the

¹ Supplement 42 to Public Health Reports, p. 172.

carrier of the cause of such disease, and such funds shall be used in cooperation with the State or Federal Bureau of Animal Industry in testing animals and disposing of such diseased animals disclosed by such test, as provided for in this act.

SEC. 3. When all cattle in such county, counties, or areas have been tested and the records of such test show the disease has been eradicated to a minimum of per cent that the State and Federal bureaus in their regulations designate as free from disease, such county, counties, or well-defined areas shall be designated as "tuberculosis free areas."

SEC. 4. No cattle shall be brought into any tuberculosis free county, counties, or areas after the tuberculin test provided for herein shall have been completed therein, except in compliance with regulations promulgated by the State department of agriculture, bureau of animal industry, in cooperation with the county commissioners.

SEC. 5. That the State department of agriculture is hereby empowered and the bureau shall be authorized to make, promulgate, and enforce general and reasonable rules and regulations not inconsistent with law for the enforcement of the provisions of this chapter.

SEC. 6. The violation of any of such rules and regulations made under and pursuant to the terms of this act shall constitute a misdemeanor.

Tuberculous Cattle Destroyed—Payments to Owners—Special Tax on Cattle to Provide Indemnity Fund. (Ch. 158, Act Mar. 13, 1923)

SECTION 1. The department of agriculture of the State of Idaho, through the bureau of animal industry, is hereby empowered to carry out all the provisions of this act.

SEC. 2 For the purpose of raising funds for the use of the State department of agriculture in paying indemnities for cattle which are destroyed by order of the State department of agriculture through the bureaus of animal industry from and after January 1, 1923, which said cattle are destroyed because of having tuberculosis, the said State department of agriculture is hereby empowered to fix the rate of a special annual tax to be levied upon all cattle in the State of Idaho annually, not to exceed 1 mill upon each dollar of assessable value of such cattle in any one year; all moneys collected from such special tax as herein provided shall be paid to the State treasurer and by him deposited in a special fund hereby created in the State treasury to be known as the "Tuberculosis eradication indemnity fund," and said fund is hereby perpetually appropriated for the use of said department of agriculture through its bureaus of animal industry in the paying of indemnities of cattle destroyed under orders of the department because of tuberculosis. The said department of agriculture, after fixing such rate of special levy, shall certify such special tax to the county commissioners of each county in the State on or before the 1st day of August in each year. The county commissioners of each county must, at the time of making its annual levies of taxes, upon receipt of such certificate of special tax, levy the rate of special tax recommended and certified by said department upon all cattle in their respective counties upon each dollar of assessed valuation of such cattle. Such taxes shall be collected by the county officials the same as other taxes are collected, and shall be, by the county treasurer, when collected, paid over to the State treasurer, to be, by him, deposited in said fund herein created.

It shall be the duty of the county assessor to, prior to the first Monday in September of each year, prepare from the assessment books of such year, as corrected by the board of county commissioners, a statement showing the total number of all cattle assessed in such county for such year and the value thereof to each owner to whom the same was assessed, and shall supplement such statement monthly with the number of such animals assessed after said September 1 until January 1 following. The county treasurer must notify the State department of agriculture of all moneys forwarded to the State treasurer collected from such taxes at the time he makes remittances to the State treasurer and shall also make final report to the department of agriculture at the times he makes settlements with the State auditor.

SEC. 3. When cattle are destroyed on account of tuberculosis as herein provided, compensation may be paid to the owners of such animals as provided by law: *Provided, however*, Such animals so destroyed shall not be appraised at a greater amount than the assessed valuation of such animals for the year in which the same are destroyed.

SEC. 4. No payments shall be made for any cattle destroyed in the following cases:

- (a) If the owner does not disinfect premises, etc., as directed by the State or Federal bureaus.
- (b) For any animal destroyed where the owner has not complied with all lawful quarantine regulations.
- (c) Animals reacting to a test not approved by the State or Federal bureaus.
- (d) Animals belonging to the State of Idaho or the United States Government.
- (e) Animals brought into the State in violation of the State laws and regulations.
- (f) Animals which the owner or claimant knew to be diseased, or had notice thereof, at the time they came into their possession.
- (g) Animals which had the disease for which they were slaughtered, or which were destroyed by reason of exposure to the disease, at the time of their arrival in the State.
- (h) Animals which have not been within the State of Idaho for a period of at least one hundred and twenty days prior to the discovery of the disease.
- (i) Where the owner has failed to submit the necessary reports as required by this act.

Dead Bodies—Disinterment—Transportation. Premises which Have Been Occupied by Persons Dead of Tuberculosis—Disinfection. (Ch. 89, Act Mar. 5, 1923)

SECTION 1. That a new section be added to article 2, chapter 70 of the Compiled Statutes of Idaho, to be known as section 1633-a and to read as follows:

"SEC. 1633-a. No body shall be disinterred within the State of Idaho except upon a permit granted by the department of public welfare. The forms of disinterment permits shall be prepared by the department of public welfare. Disinterment and removal must be done under the personal supervision of a licensed embalmer, and must be done at an hour when there is the least possible exposure. Only such persons as are actually necessary shall be present. The coffin shall not be opened either at place of disinterment or place of destination, except special permit be issued by the department of public welfare. And in case of disinterment of bodies dead by reason of contagious and infectious diseases, as shown by the certificate of death given by the attending physician, the sexton and all other persons engaged in such removal or being present shall immediately thereafter change their clothing and properly disinfect their hands, head, and face: *Provided*, That such disinterment may also be governed by rules and regulations promulgated by the department of public welfare and a synopsis of the same shall be printed on the back of every permit: *Provided also*, That in case of any contagious and infectious disease where remains are to be shipped to points in other States, permission must first be obtained from the secretary of the State board of health of such State. The department of public welfare may also issue a special disinterment permit for legal purposes. This permit for legal purposes shall be granted only upon application of a prosecuting attorney or the attorney general of this State, stating therein such facts which make it evident to the department of public welfare that the ends of justice require that disinterment be permitted. Such special disinterment for legal purposes shall be governed by rules and regulations promulgated by the department of public welfare and a synopsis of the same shall be printed on the back of every such special disinterment permit for legal purposes."

SEC. 2. That a new section be added to article 20, chapter 70 of the Compiled Statutes of Idaho, to be known as section 1634-a, and to read as follows:

"SEC. 1634-a. The transportation of bodies dead of smallpox, plague, Asiatic cholera, yellow fever, typhus fever, diphtheria (membranous croup or diphtheritic sore throat), scarlet fever (scarlet rash or scarlatina), erysipelas, anthrax, and leprosy shall be permitted only under the following conditions: The body shall be thoroughly embalmed with an approved disinfectant fluid, all orifices shall be closed with absorbent cotton, the body shall be washed with the disinfectant fluid, enveloped in a sheet saturated with the same, and placed at once in a coffin or casket, which shall be immediately closed, and the coffin or casket, or the outside case containing the same, shall be metal or metal-lined and hermetically and permanently sealed. The transportation of bodies dead of any disease other than those aforementioned shall be permitted under the following

conditions: (a) When the destination can be reached within twenty-four hours after death, the coffin or casket shall be inclosed in a strong outside box made of good sound lumber, not less than seven-eighths of an inch thick. (b) When the destination can not be reached within twenty-four hours after death, the body shall be thoroughly embalmed and the coffin placed in a strong, well-made outside shipping case.

"No disinterred body, dead from any disease or cause, shall be transported by common carriers, unless approved by health authorities having jurisdiction at the place of disinterment and the department of public welfare, and a permit and transit label shall be required as herein provided. The disinterment and transportation of bodies dead of diseases mentioned in paragraph 1 of this section shall not be allowed except upon permission of the health authorities, at both place of disinterment and the point of destination, and the department of public welfare. All disinterred remains for transportation shall be incased in metal caskets or metal-lined boxes, and hermetically sealed: *Provided*, That bodies in a receiving vault, when prepared by licensed embalmer, shall not be regarded as disinterred bodies until after the expiration of thirty days. The outside case may be omitted in all instances when the body is transported in hearse or funeral director's wagon. Every outside case shall bear at least four handles, and when over 5 feet 6 inches in length shall bear six handles.

"An approved disinfectant fluid shall contain not less than 5 per cent of formaldehyde gas, the term embalming as employed herein shall require the injection by a licensed embalmer of not less than 10 per cent of the body weight for bodies of persons dead of diseases enumerated in paragraph 1, injected arterially in addition to cavity injection; and not less than 6 per cent of the body weight injected arterially in all other cases in addition to cavity injection, and ten hours shall elapse between the time of embalming and the shipment of the body, and no disinfecting or embalming fluid which contains arsenic or any arsenical preparation shall be used on any body dead of any disease whatsoever.

"A copy of the original death certificate or the standard certificate of death form, signed by attending physician or coroner, permit of registrar, and a transit label supplied by the department of public welfare, signed by the shipping funeral director, and initial baggage agent, and printed on strong white paper, shall be required for the transportation by common carriers of bodies of persons dying in this State. The death certificate shall contain such information as is required in the standard form of death certificate if obtainable. The registrar's permit shall authorize the transportation of the body of the person described in the physician's or coroner's certificate. The shipping funeral director shall state on the shipping label how the body is prepared, and the local baggage agent shall state thereon the route, name, and address of escort. The physician's or coroner's certificate and registrar's permit shall be given the escort, to be delivered with the body at destination. The shipping label shall be securely attached to the outside case. If the body is sent by express, the physician's or coroner's certificate and the permit shall be attached to the express waybill, and delivered with the body at the destination, and the shipping label shall be attached to the outside case.

"A failure or neglect by any licensed embalmer to follow the provisions of this statute shall, in addition to any other punishment prescribed, be sufficient cause for revocation of embalmer's license.

"The undertaker or person in charge of the funeral of any person dying of tuberculosis shall, within forty-eight hours after death of the person, report to the health officer of the city or town, or county, the name and residence of the deceased person, together with cause of death. Upon receipt of the notice as herein provided the health officer of the city, or town, or county shall cause said premises to be disinfected in accordance with the regulations of the department of public welfare.

"The form of death certificate, registrar's permit, and the label as described herein, with the provisions of this section printed thereon, shall be prepared by the department of public welfare and shall be used in this State for the shipment of bodies as herein provided."

Rubbish, Weeds, and Grass—Municipalities Authorized to Require the Removal of, by Property Owners or Tenants from Sidewalks and Alleys. (Ch. 140, Act Mar. 13, 1923)

SECTION 1. That section 3982 of the Idaho Compiled Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3982. All municipal corporations, whether organized under general or special laws, within the State are hereby empowered, in addition to other powers heretofore granted, to provide by ordinance that the owner, tenant, or occupant of the premises abutting or adjoining any sidewalk or alley in any such municipal corporation shall be required to remove all * * * rubbish * * * from any such sidewalk, and all rubbish from such alley and may also provide by ordinance that the owner, tenant, or occupant of private property within such municipality shall cut or remove the weeds, grass, and rubbish * * * upon and from such private property to center of any street or alley along or in front of such property, including the parking within the curbing abutting such property, within such time as shall be provided by ordinance, and in the event of the failure of any such owner, tenant, or occupant to remove the * * * rubbish * * * from any such sidewalk, and all rubbish from such alley, or cut or remove the weeds, rubbish, and grass * * * as heretofore provided, within the time provided in such ordinance, then, that any such municipal corporation may remove such * * * rubbish * * * or cut or remove such weeds, rubbish, and grass and assess the cost thereof against the premises abutting the sidewalks or alleys so cleared or treated for eradication and against the private property as cleaned or cleared or treated for eradication, such assessment to be certified by the city clerk or clerk of the board of trustees of any such municipal corporation to the county assessor or other proper county official having charge of the making up of the assessment roll, and such assessment to be placed on the assessment roll and collected in the same manner as other municipal taxes are collected."

ILLINOIS

Poliomyelitis—Definitions of Terms—Reports of Cases—Reports by Health Authorities to School Authorities, Employers, and State Department of Public Health—Placarding—Quarantine—Isolation—Removals—Attendance at Schools and Gatherings—Measures to Prevent Spread in Schools—Handling and Sale of Food—Disinfection—Burial. (Reg. Dept. of Public H., Effective Oct. 1, 1923)

RULE I. Definitions.—For the purpose of these rules, the following shall be the accepted definitions used herein:

By "report of disease" is meant the notification to the health authorities that a case of acute anterior poliomyelitis exists in a specified person at a given address and other data as required by Rule III.

By "isolation" is meant the separating of persons suffering from acute anterior poliomyelitis, or carriers of the infecting organisms, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

By "quarantine" is meant the limitation of freedom of movement of a person who is sick with or who has been exposed to a case of acute anterior poliomyelitis for the definite period of quarantine stated in these rules.

By "contact" or "exposure" is meant any person known to have been sufficiently near to an infected person to have been exposed to transfer of infectious material directly or by articles freshly soiled with such material.

By "susceptible" or "nonimmune" is meant a person who is not known to have become immune to acute anterior poliomyelitis by having had an attack of the disease.

By "disinfection" is meant the destroying of the vitality of pathogenic microorganisms by chemical means or by heat.

RULE II. Reports.—Every physician¹, nurse or other attendant, superintendent of any hospital, asylum, orphanage, jail, or similar institution, teacher in any school, proprietor or manager of any business, hotel, lodging or boarding house, parent, guardian, householder, or any other person having knowledge of a known or suspected case of acute anterior poliomyelitis, shall immediately report such known or suspected case of acute anterior poliomyelitis in writing or by telephone to the local health authority. Every case reported by telephone shall be followed with a written report within twelve hours. Upon receipt of such report the local health authority shall within twelve hours forward copy of the same to the Illinois department of public health, Springfield, Ill. Every case developing on the premises subsequent to the first reported case shall likewise be reported.

Whenever it comes to the knowledge of the local health authority that any school child, teacher, or other person employed on school premises has been in contact with, exposed to, or suffering from acute anterior poliomyelitis it shall be the duty of such health authority to immediately report the facts to the school authorities of the school or schools concerned, giving such information and instructions as are necessary to safeguard the school children, teachers, attendants, and employees of such school, or schools, against the spread of the infection.

Every reported case or suspected case of acute anterior poliomyelitis involving any person, either as a case, contact or exposure, who is engaged in any business, especially in the handling of milk or foodstuffs, shall be promptly reported by the local health authority to the employer of such person in order that the necessary precautions may be taken to safeguard other employees and the public.

Any known or suspected case of acute anterior poliomyelitis occurring on a dairy farm shall be immediately reported by telegraph or telephone to the Illinois department of public health by the local health authority.

¹NOTE.—The physician attending a case of acute anterior poliomyelitis should notify the family and patient as to the nature of the disease and isolate the patient or instruct the family to do so, and not permit children to attend school. He should also warn the family not to permit milk bottles or containers to be returned to the milkman. The attending physician should give the above instructions as soon as he makes a diagnosis or probable diagnosis of acute anterior poliomyelitis.

RULE III. Information to be given in report to health authorities.—The written report of a known or suspected case of acute anterior poliomyelitis, required by these rules, shall set forth at least the following information: (1) Place and date of report; (2) name, exact address, age, sex, color, and occupation of the diseased person; (3) number of children and adults in household; (4) school attended or place of employment, giving names of employers and mentioning particularly any engaged in handling milk or foodstuffs; (5) type of disease; (6) date of onset of illness; (7) precautions taken to prevent spread of infection; (8) name and address of person making the report.

RULE IV. Placarding.—Whenever a case of acute anterior poliomyelitis is reported to the local health authorities, they shall affix at the outside of all entrances to the building, house, or flat, as the case may be, a red warning card not less than $10\frac{1}{4}$ by $12\frac{1}{2}$ inches in size, on which shall be printed in black with bold face type, at least the following: "Acute anterior poliomyelitis," in type not less than $2\frac{1}{2}$ inches in height, and "Keep out," in similar type not less than 2 inches in height.

In cases reported as "suspects" the placard must bear the word "suspected" before the words "Acute anterior poliomyelitis," "keep out." When a diagnosis is made, this placard shall be replaced by the proper placard for the disease in question in accordance with the rules covering such disease.

Premises upon which children under 16 years of age, who have been exposed to acute anterior poliomyelitis reside shall be placarded in a manner as above set forth with a white placard printed in type of the prescribed kind and size reading "Acute anterior poliomyelitis exposure quarantined"—"Keep out."

Defacement or concealment of warning placards, or their removal by any other than the local or State health authorities or their duly authorized representatives is strictly prohibited.

RULE V. Quarantine.—In cases of acute anterior poliomyelitis quarantine of the patient must be maintained for a minimum period of three weeks, dating from the onset of the disease and until all abnormal discharges from nose have entirely ceased.

Excepting as hereinafter provided, no one other than the attending physician and the local or State health authorities, or the duly authorized representatives of such authorities, shall enter or leave the quarantined premises until the warning cards have been removed and quarantine has been officially terminated. All persons who continue to reside on the quarantined premises must be confined thereto.²

The patient and the necessary nursing attendant shall be effectively isolated on the quarantined premises in a well-ventilated room which shall be free from unnecessary furnishings and effectively screened against flies. Arrangements must be made to supply them with food and other necessities. All articles which it is necessary to take from the sick room must be thoroughly disinfected immediately upon removal by boiling or by immersion for one hour in a 5 per cent solution of carbolic acid or a 2 per cent cresol solution.

Suspected cases of acute anterior poliomyelitis shall be quarantined in the same manner as known cases of the disease until such time as a diagnosis is established. If the diagnosis is other than acute anterior poliomyelitis, the case shall be handled in accordance with rules governing the disease of which diagnosis is made.

RULE VI. Quarantine of contacts or exposures.—All children who continue to reside on the infected premises must be held under close observation for at least two weeks following termination of the last case on the premises.

All children under 16 years of age who have been exposed to a case of acute anterior poliomyelitis must be quarantined for two weeks as acute anterior poliomyelitis exposures.

Children of the family may be removed from the quarantined premises upon permission of the local health officer, after thorough disinfection of person and clothing. Such children may be removed only to premises upon which none but adults and nonsusceptible children reside and must be confined to the premises (in the house) for two weeks from date of removal, where they shall be isolated with appropriate placarding, "Acute anterior poliomyelitis exposure—quarantined"—"Keep out," during which period they must be kept under close observation, and no children shall be permitted to visit or otherwise come in contact with them during this period.

²NOTE.—In case there is an outside toilet for the exclusive use of family under quarantine, then the contacts and others under quarantine may use said outhouse, toilet or privy but under no circumstances may the patient be permitted to pass the placard.

Adult members of the family may be removed from the infected premises upon permission granted by the health authorities, and after thorough disinfection of person and clothing, provided that they do not again enter the quarantined premises or come in contact in any way with patient or attendant. Such adults, except school-teachers, milkmen, and other food handlers, may go about their necessary business. School-teachers, milkmen, and all handlers of food products must not return to their usual occupations for two weeks after such removal.

RULE VII. Quarantine of store or place of business.—Whenever a case of acute anterior poliomyelitis shall occur in living quarters connected with any store or place of business, such store or place of business shall be quarantined until the case is terminated by removal, recovery, or death, and the store and living quarters have been disinfected under the supervision of the local health authority: *Provided*, That the store or place or [of] business need not be closed if the premises are so constructed that that part in which the case exists can be and is effectively sealed from the store, under the supervision of the local health authorities: *And provided*, That the employees and all other persons connected with the store do not enter that part of the premises where the case exists and do not come in contact with the patient, his attendant, or any article whatsoever from the quarantined premises.

RULE VIII. Termination of quarantine.—Quarantine shall not be terminated until the following conditions exist:

(a) Following the death of the patient or the removal of patient to a hospital, children under 16 years of age, remaining on the premises shall be quarantined for two weeks as acute anterior poliomyelitis exposures. If at the end of this period they show no evidence of illness, quarantine of the premises may be terminated.

(b) When patient residing on the premises has been in quarantine for a minimum period of three weeks, temperature is normal, and all abnormal discharges have ceased, and if other inmates of the quarantined premises show no evidence of illness, quarantine may be raised.

When the prescribed conditions for termination of quarantine exist, the attending physician shall notify the local health authority in writing, certifying that under the provisions of the rules, quarantine may then be safely terminated and requesting that such action be taken. No one but the local and State health authorities or their duly authorized representatives shall have authority to terminate quarantine.

Before release from quarantine all persons recovered from acute anterior poliomyelitis, attendants, contacts, and exposures shall disinfect their person and clothing in the manner approved by the Illinois department of public health as set forth in its pamphlet on disinfection.

RULE IX. Modified quarantine.—Modified quarantine of the patient may be permitted in cities or public health districts employing a full-time medical health officer and maintaining an efficient public health service subject to the following additional conditions:

(1) The medical health officer of such city or public health district shall make application in writing to and receive authority from the Illinois department of public health to take advantage of the provisions of this section. Such authority shall be subject to revocation for cause at any time at the discretion of the Illinois department of public health.

(2) In making such application the responsible local health authority shall recite the essential facts regarding the local health organization and the means at his disposal for properly enforcing the extraordinary requirements of modified quarantine, and he shall agree to strictly enforce such requirements and assume responsibility for their proper enforcement and observance.

(3) The local health authority or his duly authorized agent shall agree to require the responsible head of the household to sign an agreement that he or she will be personally responsible for observance of the rules and instructions, and the local health authority or his authorized agent shall agree to inspect the quarantined premises at least twice weekly to ascertain if the rules are observed.

(4) The local health authority shall be responsible to the Illinois department of public health for the proper observance of the restrictions of modified quarantine, and in case of violation of these rules in any particular shall immediately change the quarantine from modified to the unmodified form and shall obtain the necessary evidence and institute measures for the prosecution of the person or persons responsible for the violation of the modified type of quarantine.

Where conditions set forth in Rule VIII [IX], (1), (2), (3), and (4) have been complied with and where the patient with a trained attendant can be safely isolated in one or more rooms and arrangements made to supply the patient and attendant with food and other necessities without the attendant being obliged to leave the room or rooms set apart for the patient and attendant, quarantine may be restricted to said patient and attendant in said room or rooms, provided that no article of any kind be permitted to be taken from this room or rooms unless first thoroughly disinfected. Other adult members of the household may after adequate disinfection of the unquarantined part of the premises and disinfection of person and clothing be permitted to go and come without restraint. Children of the household under 16 years of age who have not had acute anterior poliomyelitis shall be subjected to quarantine for 14 days, after which period they may be permitted the freedom of an inclosed yard, if there is one, provided they do not come in contact with other children; otherwise they shall remain in the house for the incubation period of the disease from date of last exposure. If the patient is hospitalized the remaining children under 16 years of age shall be quarantined as acute anterior poliomyelitis exposures for two weeks from date of last exposure, and if kept under observation every other day during the quarantine period they may be given the freedom of yard if they do not come in contact with other children. School-teachers and others whose occupations bring them into immediate contact with numbers of children or those employed in the production, handling, or sale of milk, milk products, or foodstuffs must not be engaged in such occupations until the case is terminated or a change of residence is made.

In all cases quarantined as specified in Rule VIII [IX] the room or rooms set aside for the use of the patient and attendant must in addition to warning cards posted at all outside entrances to the premises be placarded "For patient and attendant only," and the attendant shall not leave the patient's quarters except in cases of emergency and then only after thoroughly washing face and hands and removing outer robe or garment. While out of the patient's rooms the attendant shall avoid contact with all members of the household and shall return as soon as possible to the isolated quarters set aside for attendant and patient.

RULE X. Removals.—No case of acute anterior poliomyelitis, contact, or exposure shall be removed from any house, building, or vessel in which quarantine is in force to any other premises in the same health jurisdiction except by permission of the local health authority or the State department of public health. Exposures may only be removed in accordance with the provisions of Rule V [VI?]. Any such authorized removal of an acute anterior poliomyelitis patient shall be made by private conveyance and with the exercise of extreme care to prevent the spread of the disease.

No acute anterior poliomyelitis patient shall be removed from one health jurisdiction to another except by authority of the Illinois department of public health and on permission of the local health authorities of the jurisdiction from which and to which removal is desired: *Provided, however,* That whenever a contagious disease hospital maintained by a municipality or county is located in another health jurisdiction from that in which the case is found the patient may be removed to such contagious disease hospital without first obtaining the permission of the Illinois department of public health. All authorized removals shall be effected by private conveyance and under the personal direction of a physician or medical health officer, who shall exercise extreme care to prevent the spread of the disease.

Under no circumstances shall permission be granted for removal of any person or article from premises upon which a case of acute anterior poliomyelitis has been found to any premises upon which milk or other foodstuffs are produced, sold, or handled until quarantine has been terminated, and then only upon permission of the local health authorities or of the Illinois department of public health.

RULE XI. Exclusion from the schools and places of public gatherings.—Children recovered from an attack of acute anterior poliomyelitis must be excluded from schools, Sunday schools, theaters, and other places of public gathering for at least one week from date of termination of quarantine.

All nonimmunes must be excluded from the schools for two weeks from termination of quarantine or removal from quarantined premises; immunes for one week from termination of quarantine.

School-teachers and persons employed in and about a school building who have been in close contact with a case of acute anterior poliomyelitis and who have not had the disease must be excluded from the school building or grounds for a period of at least two weeks from date of last exposure.

RULE XII. Duties of school authorities.—Whenever a known or suspected case of acute anterior poliomyelitis involves any pupil, teacher, or employee of any public, parochial, private, or other school, either as a case, contact, or exposure, it shall be the duty of the person or persons in charge of such school, immediately upon knowledge of this, to take or cause to be taken all such precautions as are necessary to prevent the spread of infection in the school.

In any such case it shall be the duty of the responsible school authority, officer, or teacher to cause an investigation to be made under direction of local health authority by persons competent to do so of all school pupils, teachers, and employees who may have been exposed to the infection and to promptly take such action as is necessary to prevent contact between possible infection carriers and other persons in the schools.

Any nonimmune pupil, teacher, or employee of any school who has been removed from premises where a case of acute anterior poliomyelitis exists shall be excluded from such school building and premises at least two weeks following date of removal, and may then be permitted to reenter school only on presentation of a certificate of health issued or countersigned by the local health authority, or his duly authorized agent, who may be the school physician if there be one; such certificate shall be based upon examination of the pupil, teacher, or employee concerned, made on the fourteenth day from the date of termination of quarantine, last exposed or removal.

RULE XIII. Control of milk and foodstuffs on quarantined premises.—When acute anterior poliomyelitis appears on premises where milk or other foodstuffs are produced, handled, or sold, the sale, exchange, removal, or distribution in any manner whatsoever of any milk, cream, milk products, or other foodstuffs found, produced, or handled on such premises is strictly prohibited until quarantine has been terminated and the premises and contents, including all milk utensils, have been disinfected under the supervision of the local health authorities: *Provided*, That in the event of acute anterior poliomyelitis occurring on a dairy farm, the local health authority or the Illinois department of public health may grant permission for the removal of the livestock only to other premises. When milch cows are so removed they may be milked and the products may be sold, provided that neither persons nor utensils from the infected premises are employed in the milking and in the handling of the product.³

Milk from premises in other States where the period of quarantine is less than the required period in Illinois may not be received in Illinois until the provisions of these rules have been fully complied with.

RULE XIV. Delivery of milk, foodstuffs, and the other necessities to quarantined premises.—Milk, foodstuffs, and other necessary supplies may be delivered at quarantined premises; provided that there be no contact of any kind between inmates of the quarantined premises and the delivery agent.

The householder must place a thoroughly clean container (freshly scalded bottle or pail) to receive the milk at some convenient place outside the house out of reach of dogs or cats. The milkman shall place the milk therein without handling the receiving container. No milk bottle, basket, or any other article whatsoever may be taken out of or away from the quarantined premises during the period of quarantine. Before milk bottles are removed from the premises after quarantine is raised, they must be sterilized by boiling under the direction of the local health authorities.

Mail must not be taken from the quarantined premises during the period of quarantine until it has been carefully disinfected.

RULE XV. Disinfection.—All discharges from the nose and mouth of the patient shall be received in cloths or papers, which should be burned immediately after such usage. If necessary to remove such cloths or papers from the sick room for burning, they should be deposited in a paper bag and taken direct to furnace and burned.

Every article removed from the sick room shall be disinfected or sterilized immediately upon removal. Clothing, bedding, and dishes should be disinfected

³NOTE.—Where county or municipal dairy inspectors learn that milk excluded from one market because of acute anterior poliomyelitis on the dairy farm is being diverted to some other city or community and sold, such dairy inspectors are authorized to stop such sale of milk and are requested to telegraph such information at once to the Illinois department of public health.

by immersion for one hour in a 5 per cent solution of carbolic acid or a 2 per cent cresol solution. Fabrics that will be injured by boiling or by fluid disinfection may be disinfected by fumigation with formaldehyde gas.

While in the sick room the attendant shall wear washable outer garments, which, upon leaving the sick room, shall be immediately removed and placed where others may not come in contact with them. The hands shall be thoroughly washed after each handling of the patient or of any article which may have been contaminated by the patient and when leaving the patient's room.

Immediately prior to the termination of quarantine, the quarantined premises and all their contents shall be thoroughly disinfected by or under the direction of the local health authority and in a manner approved by the Illinois department of public health. All woodwork shall be carefully washed with soap and water.

Toys and other similar articles used to amuse the patient are best disposed of by burning. Under no circumstances should borrowed toys or books be returned. Library and school books must not be returned. They must be burned.

Dogs, cats, and other household pets must be excluded from quarantined premises during the entire period of quarantine. Any such animals who have been in contact with the patient must be killed or subjected to a thorough disinfecting bath before removal from the quarantined premises, and must not be permitted to reenter the same until quarantine has been raised and the premises have been disinfected.

Exposure in the open air of carpets, rugs, curtains, bedding, and similar articles from the quarantined premises for the purpose of airing, shaking, beating, or sunning is strictly prohibited unless there is a private yard and in the opinion of the local health authority such may be done without danger of spread of infection.

RULE XVI. Deaths and burials.—Disposal of the body of anyone dead from acute anterior poliomyelitis shall be effected within 48 hours after death. The undertaker or person acting as such shall wash the body with an approved disinfecting fluid and close all orifices with absorbent cotton. The casket may then be removed from the room in which the patient died to the room prepared for it. The room in which the patient died shall then be immediately disinfected by the undertaker in the manner prescribed by the Illinois department of public health.

Prior to the removal of the body the undertaker or person acting as such shall secure a burial permit from the local registrar of vital statistics in accordance with the provisions of the statutes.

Every human body dead from acute anterior poliomyelitis interred in any burying ground or cemetery in the State of Illinois shall be at least 4 feet below the natural surface of the ground and shall be covered immediately with at least 4 feet of earth: *Provided*, That this shall not apply where bodies are placed or buried in properly constructed private vaults so as to prevent the escape of gases therefrom.

Public and church funerals are positively prohibited. No person whose attendance is not necessary for the conduct of the funeral shall be permitted to enter the premises where the death occurred.

Any adult member of the immediate family who shall have been exposed to the disease prior to such funeral and whose clothing and person have first been disinfected may attend the funeral, but must return to quarantined premises immediately thereafter. Other persons desiring to follow the remains to the grave may do so, provided that they do not enter the vehicles occupied by persons who have entered or come from such premises.

Flowers which may have been taken into the quarantined premises shall be destroyed by burning immediately following removal of the body from the premises. Under no circumstances may flowers be taken from the quarantined premises.

When the body of any one dead from acute anterior poliomyelitis is to be transported by railroad or by other common carrier, the official rules of the Illinois department of public health for the transportation of the dead must be observed.

Repeal, effective dates.—All provisions of previous rules and regulations for the control of acute anterior poliomyelitis in conflict with the foregoing are hereby annulled.

These rules shall be in force and effect on and after October 1, 1923.

Tuberculosis—Definitions of Terms—Reports of Cases—Hospitalization—Isolation—Placarding—Precautions to Prevent Spread—Inspection of Homes of Patients—Periodic Sputum Examinations—Removal of Cases—Disinfection of Premises which Have Been Occupied by Infected Persons—Employment of Infected Persons in Schools Prohibited—Exclusion of Infected Children from School—Handling and Sale of Food. (Reg. Dept. of Public H., Effective Oct. 1, 1923)

RULE I. Definitions.—For the purpose of these rules, the following shall be the accepted definitions used herein:

By "report of disease" is meant notification to the health authorities that a case of tuberculosis exists in a specified person at a given address and other data as required by Rule III.

By a "suspected case of pulmonary tuberculosis" is meant a patient who gives a history of one or more of the following signs or symptoms, namely, spitting blood, persistent cough, loss of appetite, loss of weight, afternoon rise in temperature, undue fatigue, pleurisy with effusion, fistula in ano, or previous close contact with an open case of pulmonary tuberculosis until the possibility of tuberculosis is ruled out by a thorough physical examination.

The rule regarding physical examinations shall not apply to physicians, attendants, or other employees in tuberculosis sanatoria or hospitals where tuberculosis cases are hospitalized or to physicians, nurses, or others in attendance on open cases outside of sanatoria or hospitals.

By "isolation" is meant the separating of persons suffering from tuberculosis, or carriers of the infecting organisms, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

By "quarantine" is meant the limitation of freedom of movement of a person who is sick with or who has been exposed to tuberculosis for the definite period of quarantine stated in these rules.

By "contact" or "exposure" is meant any person known to have been sufficiently near a person infected with tuberculosis to have been exposed to transfer of infectious material directly or by articles freshly soiled with such material.

By "disinfection" is meant the destroying of the vitality of pathogenic microorganisms by chemical means or by heat.

RULE II. Reports.—Every physician,⁴ laboratory director, nurse, or other attendant, superintendent of any hospital, asylum, orphanage, jail, or similar institution, teacher in any school, proprietor or manager of any business, hotel, lodging or boarding house, parent, guardian, householder or any other person having knowledge of a known or suspected case⁵ of tuberculosis, shall immediately report such known or suspected case of tuberculosis in writing or by telephone to the local health authority. Every case reported by telephone shall be followed with a written report within twelve hours. Upon receipt of such report the local health authority shall within twelve hours forward copy of the same to the Illinois department of public health, Springfield, Ill. Every case developing on the premises subsequent to the first reported case shall likewise be reported.

RULE III. Information to be given in report to health authorities.—The written report of a known or suspected case of tuberculosis, required by these rules, shall set forth at least the following information: (1) Place and date of report; (2) name, exact address, age, sex, color, and occupation of the diseased person; (3) number of children and adults in household; (4) school attended or place of employment, giving names of employers and mentioning particularly any engaged in handling milk or foodstuffs; (5) type of disease; (6) date of onset of illness; (7) precautions taken to prevent spread of infection; (8) name and address of person making the report.

RULE IV. Isolation of open cases.—The term "open cases" of tuberculosis as employed in these rules and regulations shall apply to the following types of cases:

(1) All cases of pulmonary tuberculosis or consumption who produce sputum containing tubercle bacilli.

⁴ Every physician attending a case of pulmonary tuberculosis or consumption should advise the patient and the members of the family and household as to the nature of the disease and as to the means whereby infection may be avoided, especially as to the isolation of "open cases" of tuberculosis, the proper disposal of sputum, the control of cough, and the avoidance by healthy persons of the use of articles that have been used by the person having tuberculosis.

⁵ Suspect cases of tuberculosis, shall be considered as having active tuberculosis, until they have been definitely proven to be nontuberculous by physical examinations and such recognized laboratory methods as are considered essential by the director of public health or his local representative.

(2) All cases of tuberculosis other than the pulmonary form in which the tubercle bacilli are found in the discharge from the diseased process.

(3) All known cases of pulmonary tuberculosis or consumption, until three specimens of sputum which are negative to tubercle bacilli, have been submitted at weekly intervals for three consecutive weeks and examined in a laboratory recognized by the Illinois department of public health.

(4) All known cases of pulmonary tuberculosis or consumption in which a positive sputum has been obtained shall be considered as "open cases" for at least a period of three months, and, thereafter, until three successive specimens of sputum, collected at intervals of one week, shall have been found to contain no tubercle bacilli upon examination at a laboratory recognized by the Illinois department of public health, the physical examination of the patient indicating that the type of tuberculosis present in the patient be such as would coincide with the findings of a negative sputum.

All "open cases" of tuberculosis, in the care of which the necessary precautions to prevent conveyance of the infection to others directly or indirectly as detailed in Rule IV[V?], are not being taken by the patient or attendant, shall be hospitalized if hospital facilities for this class of patients are available or shall be effectively isolated from all persons except the necessary adult nurse or attendant and the isolation quarters appropriately and conspicuously placarded with a red warning card not less than 10¼ by 12½ inches in size, on which shall be printed in black with bold-face type, at least the following: "Tuberculosis" in type not less than 2 inches in height and "Keep out" in similar type not less than 1½ inches in height. In addition the following shall be printed in small type on the card: "This warning card shall not be concealed from public view; must not be mutilated or defaced and must remain on these premises until removed by the local or State health authorities. Penalty for violation of the rules of quarantine a fine of not to exceed \$200 for each offense or imprisonment in the county jail not to exceed six months or both." Placard shall not be removed until such time as satisfactory assurance can be given that these precautions will be strictly observed thereafter.

RULE V. Precautions.—No person suffering from active or open tuberculosis as defined in Rule III[IV] shall occupy the same room as a bedchamber or sleeping room with any other person or persons unless such person or persons are suffering also from the same form of tuberculosis. This rule does not, however, apply to well adult persons acting as nurse or attendant under the direction of a legally qualified physician.

The sputum raised and ejected by a tuberculous person or consumptive shall be destroyed or rendered sterile (a) by removing the sputum from the mouth by means of tissue paper, paper napkin, or clean cloth and subsequently burning such paper or cloth, or, (b) by depositing the sputum in a paper or cardboard sputum cup or container and subsequently burning the container without using same after it has once been emptied of sputum, or (c) by depositing the sputum in glass, china, porcelain, or metal sputum cups or sputum flasks which are to be emptied only after being treated with a strong solution of carbolic acid, lysol, bichloride of mercury, or some other efficient disinfectant. In case a glass, china, porcelain, or metal sputum cup or flask is employed, either as holder or sputum cup directly, it should be cleansed after use with a strong disinfectant or boiled for a period of not less than fifteen minutes.

A tuberculous person or consumptive shall not spit upon floors, streets, walks, or other public or private places nor should such person use spittoons or dispose of his sputum in any other way than as prescribed heretofore.

A tuberculosis [sic] person or consumptive shall not cough without covering his mouth with paper, cloth, or other material, which paper, cloth, or material should be promptly burned.

No child under 16 years of age shall be accepted as a patient in any general hospital or institution for the care of the sick, if such hospital or institution accepts as patients "open cases" of tuberculosis; unless such open case[s] of tuberculosis are housed in a separate and distinct division of the hospital and cared for in such a way that children while being treated in such hospital or institution will not be exposed to this disease.

No person suffering from open tuberculosis or consumption, as defined in Rule III[IV], shall engage in nursing, attendance or care of children or sick persons.

No child under the age of 16 years shall live in the same home, apartment, or other place of abode or habitation occupied by a person suffering from active or open pulmonary tuberculosis (consumption) unless proper precautions are being

observed as required by this rule (Rule IV[V]), and unless there is no contact between the person suffering from active or open pulmonary tuberculosis and other members of the family.

It is the duty of the local health authority to enforce the observance of these precautions by persons suffering from active or open tuberculosis or consumption. He shall ascertain whether the precautions required to be taken are thoroughly understood by patient, attendant, and members of the household and should place in the hands of the patient, or person responsible for the care of the same, a copy of these rules and regulations.

RULE VI. Inspection—Sputum examinations.—It shall be the duty of the health authority, upon receiving a report of a case of pulmonary tuberculosis or consumption, to visit and inspect or to cause to be visited and inspected by a duly authorized and competent agent, at such intervals as are practicable and necessary, the home of the patient to satisfy himself that reasonable precautions are being taken for the protection of the public and of the members of the household.

Likewise it shall be the duty of the local health authority, from time to time during the illness of the patient, to cause specimens of sputum to be submitted and to cause the same to be examined at a laboratory recognized by the Illinois department of public health, for the purpose of determining whether or not the patient is to be regarded as an "open case" of pulmonary tuberculosis or consumption. These sputum specimens are to be submitted at intervals of at least three months.

RULE VII. Removals.—No person suffering from active tuberculosis shall be removed from the premises on which found unless consent to such removal be first obtained from the local health authorities, or from the Illinois department of public health.

No person suffering from active tuberculosis shall be removed from any city, village, township or county in which found unless consent to such removal be first obtained from the health authorities of the jurisdictions from which and to which removal is contemplated.

It is the duty of the owner or agent of any premises in which a patient suffering from active open tuberculosis or consumption has resided, to promptly notify the local health officials of the death or removal of the tuberculous person or consumptive and such owner or agent shall not rent, lease, or sell such premises or permit same to be occupied by any other person or persons than the family or household of the tuberculous person or consumptive until the premises have been disinfected as hereinafter provided.

RULE VIII. Exclusion from schools.—No person suffering from an active form of tuberculosis as defined in Rule III [IV] shall be employed as a teacher⁶ in any school nor shall such a tuberculous or consumptive person be employed or be permitted to serve in any capacity in or about a school building.

No child or young person suffering from an active form of tuberculosis shall be permitted to attend school or mingle with other well children in or about school buildings or elsewhere.

RULE IX. Sale of milk, groceries, and provisions.—Whenever an open case of tuberculosis or consumption is found to exist on premises where milk or other drinks, groceries, vegetables, meats, or other foodstuffs are either produced, handled or sold, the sale, exchange, or distribution in any manner whatsoever of any milk or other drinks, cream or other milk products, groceries or vegetables, meats or other foodstuffs, is strictly prohibited until the case is terminated by arrest of the disease or by removal or death and the premises have been thoroughly disinfected, provided, that when, in the opinion of the health officer based upon personal inspection of the premises, the individual suffering from active open tuberculosis or consumption is so isolated that he does not come in contact with any milk, cream, or other milk products, drinks of any kind, groceries, vegetables, meats, or other foodstuffs offered for sale, barter, exchange, or distribution and does not come into the room or rooms in which such drinks or foodstuffs are stored, held or offered for sale, barter, exchange or distribution, and where all other precautionary measures are carried out in such a way as to safeguard the public and the members of the household, the health officer may, at his discretion, modify the provisions of this paragraph.

⁶ It is recommended that school authorities require an annual physical examination of teachers employed, including a thorough chest examination. Only by such a procedure can teachers with early tuberculosis be detected with certainty.

A person suffering from an open case of tuberculosis will not be permitted to engage in any manner in the handling or preparation of foodstuffs, milk or milk products, drinks of any kind, groceries, vegetables or meats until it has been ascertained that such person is not an open case and is in no danger of spreading the infection.

RULE X. Disinfection.—Upon the termination of the illness of a person suffering from active open tuberculosis or consumption by reason of the arrest of the disease, by death or by removal to other premises, the room or rooms that have been occupied by said tuberculous or consumptive person shall be thoroughly cleansed and disinfected. The amount and character of the preliminary measures which may be necessary before the actual disinfection is attempted depends on circumstances and conditions. If all the necessary precautionary measures have been taken by the patient and attendant, ordinary cleaning and disinfection of the sick room, its contents, including utensils used for or by the patient, will suffice.⁷

However, if the necessary precautionary measures have not been taken, a thorough renovation of the sick room and other parts of the premises contaminated through ignorance, indifference, carelessness, or neglect must be carried out. This renovation includes washing down walls with a suitable disinfecting solution followed by calcimining, papering or painting as desired, and practicable. Floors, woodwork, etc., should be thoroughly scrubbed with plenty of hot water and soap and this may be followed advantageously by use of a liquid disinfectant solution. Dishes, clothing, beds, etc., must be sterilized by boiling or immersion for one hour in a 5 per cent carbolic acid solution or a 3 per cent cresol solution. Fabrics which will be injured by boiling or by disinfection, may be disinfected by fumigation with formaldehyde gas.

RULE XI. Repeal—Effective date.—The rules for the control of tuberculosis heretofore promulgated and effective on and after August 1, 1917, and as revised June 1, 1918, and January 1, 1923, shall on the effective date of this order be repealed and held for naught, except that cases reported and then pending shall be disposed of in accordance with these revised rules. These rules shall be in force and effect on and after the first day of October, 1923.

Typhoid Fever and Paratyphoid Fever—Definitions of Terms—Reports of Cases—Reports by Local Health Authorities to School Authorities, State Department of Public Health, Employers, and Milk Dealers—Submission of Specimens of Blood or Other Material for Laboratory Examination—Placarding—Investigation by Local Health Authorities—Quarantine—Isolation—Removals—Handling and Sale of Food—Disinfection—Requirements as to Privies and Cesspools—Burial. Typhoid Fever and Paratyphoid Fever Carriers—Definitions of Terms—Reports of—Reports by Local Health Authorities to School Authorities, Employers, and Milk Dealers—Submission of Specimens of Blood or Other Material for Laboratory Examination—Requirements as to Privies and Cesspools—Special Requirements and Precautions to be observed by. (Reg. Dept. of Public H., Effective Oct. 1, 1923)

RULE I. Definition.—For the purpose of these rules, the following shall be the accepted definitions used herein:

By "report of disease" is meant the notification to the health authorities that a case of typhoid fever, paratyphoid fever or typhoid or paratyphoid carrier exists in a specified person at a given address and other data as required by Rule III.

By "isolation" is meant the separating of persons suffering from typhoid fever or paratyphoid fever, or carriers of the infecting organisms, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

By "quarantine" is meant the limitation of freedom of movement of a person who is sick with or who has been exposed to typhoid fever, paratyphoid fever or typhoid or paratyphoid carriers for the definite period of quarantine stated in these rules.

⁷ Where the tuberculous or consumptive person gives sufficient evidence of sputum negative to tubercle bacilli and is domiciled temporarily for a few days only on premises which are new or have been recently thoroughly renovated, a thorough cleaning and airing of the same will suffice providing adequate care has been taken to properly dispose of sputum, boil bed linen, etc., and expose room and contents thereof to air and sunlight.

By "contact" or "exposure" is meant any person known to have been sufficiently near to an infected person to have been exposed to transfer of infectious material directly, or by articles freshly soiled with such material.

By "susceptible" or "nonimmune" is meant a person who is not known to have become immune to typhoid fever or paratyphoid fever by natural or artificial process.

By "disinfection" is meant the destroying of the vitality of pathogenic microorganisms by chemical means or by heat.

By "typhoid or paratyphoid carrier" is meant a person who harbors typhoid or paratyphoid bacilli and emits them regularly or intermittently. This condition may or may not follow a recognized attack of typhoid or paratyphoid fever. Persons who continue to discharge typhoid or paratyphoid bacilli for the first three months after recovery from clinical symptoms of typhoid or paratyphoid fever (convalescent typhoid or paratyphoid carrier) shall be regarded as cases rather than carriers. If after such a period has elapsed typhoid or paratyphoid bacilli are still being discharged in the dejecta, the Illinois department of public health shall be notified in detail so that special arrangements may be made for further examination and observation with the end in view of ruling individually on the chronicity of all such convalescent typhoid or paratyphoid carriers.

RULE II. Reports.—Every physician,^a nurse, or other attendant, superintendent of any hospital, asylum, orphanage, jail, or similar institution, teacher in any school, proprietor of any business, hotel, lodging house, parent, guardian, household, or any other person having knowledge of a known or suspected case of typhoid fever, paratyphoid fever, or typhoid or paratyphoid carrier, shall immediately report such known or suspected case of typhoid fever, paratyphoid fever, or typhoid or paratyphoid carrier coming to his or her notice, in writing or by telephone to the local health authority. Every case reported by telephone shall be followed with a written report within twelve hours. Upon receipt of such report the local health authority shall within twelve hours forward copy of the same to Illinois department of public health, Springfield, Ill. Every case developing on the premises subsequent to the first reported case shall likewise be reported.

Whenever it comes to the knowledge of the local health authority that any school child, teacher, or other person employed on school premises has been in contact with, exposed to, or suffering from typhoid fever or paratyphoid fever, or is a typhoid or paratyphoid carrier, it shall be the duty of such health authority to immediately report the facts to the school authorities of the school or schools concerned, giving such information and instructions as are necessary to safeguard the school children, teachers, attendants, and employees of such school or schools against the spread of the infection.

Any known or suspected case of typhoid fever or paratyphoid fever occurring or residing on a dairy farm shall be immediately reported by telegraph or telephone to the Illinois department of public health by the local health officer.

Upon receipt of knowledge as to the existence of a case or suspected case of typhoid fever or paratyphoid fever or a typhoid or paratyphoid carrier on a premise, it shall be the duty of the local health authorities to notify the milkman that such case, suspected case, or carrier, as the case may be, exists on said premise, and to give him the necessary instructions as to the precautions required to prevent the spread of typhoid or paratyphoid infection through the agency of milk or milk containers.

Every reported case or suspected case of typhoid fever or paratyphoid fever or typhoid or paratyphoid carrier involving any person either as the case, a contact, or exposure, who is engaged in any business, especially in the handling of milk or foodstuffs, shall be promptly reported by the local health authority to the employer of such person in order that the necessary precautions may be taken to safeguard other employees and the public.

The local health authorities, or the Illinois department of public health, may require the submission of specimens of blood or other material from cases of typhoid fever, paratyphoid fever, or suspected typhoid or paratyphoid carriers for the purpose of examination by a State or municipal laboratory.

^a The physician attending a case of typhoid fever or paratyphoid fever should notify the family and patient as to the nature of the disease, and isolate the patient or instruct the family to do so and not to permit other children of the household to attend school. He should also warn the family not to permit milk bottles or containers to be returned to the milkman. The attending physician should do all of these things as soon as he makes a diagnosis or probable diagnosis of typhoid fever or paratyphoid fever.

RULE III. Information to be given in report to health authorities.—The written report of a known or suspected case of typhoid fever, or paratyphoid fever or typhoid or paratyphoid carrier, required by these rules, shall set forth at least the following information: (1) Place and date of report; (2) name, exact address, age, sex, color, and occupation of the diseased person; (3) number of children and adults in household; (4) school attended or place of employment, giving names of employers and mentioning particularly any engaged in handling milk or foodstuffs; (5) date of onset of illness; (6) precautions taken to prevent spread of infection; (7) name and address of person making the report.

RULE IV. Placarding.—Whenever a case of typhoid fever or paratyphoid fever is reported to the local health authorities, they shall affix in a conspicuous place at each outside entrance of the building, house, or flat, as the case may be, a red warning card, not less than $10\frac{1}{4}$ by $12\frac{1}{2}$ [inches] in size, on which shall be printed in black, with bold-faced type, at least the following: "Typhoid fever here" or "Paratyphoid fever here," as the case may be, in type not less than 2 inches in height, and "Keep out," "Remove no milk containers" in similar type not less than $1\frac{1}{2}$ inches in height.

In cases reported as "suspects" the placard may bear the word "Suspected" before the words "Typhoid fever" or "Paratyphoid fever," as the case may be, in black, bold-faced type not less than 2 inches in height, followed by "Keep out" and "Remove no milk containers" in similar type not less than $1\frac{1}{2}$ inches in height.

Defacement of such placards or their removal by any other than the local health authorities or the duly authorized representatives of the Illinois department of public health is strictly prohibited.

At the time of placarding the premises the local health authorities shall inform a responsible inmate of the premises of the rules and regulations to be observed, and shall provide such inmate with a copy of these rules and of the Illinois department of public health's circular on disinfection.

The local health authorities shall make diligent investigation as to the source or sources of infection of all cases reported to them. If the source or probable source of infection is discovered, the Illinois department of public health shall be immediately apprised of such source. However, in no case shall the original report of a case of typhoid or paratyphoid fever be delayed by reason of such investigation.

RULE V. Quarantine.—The patient shall be confined to one well-ventilated room, screened against flies and other insects, and as remote as possible from other occupied rooms. The room should be stripped of draperies, carpets, upholstery, and all furniture and articles not necessary for the comfort of the occupant. Visitors shall not be permitted to enter quarantined premises or to come in contact with the attendant. Quarantine shall be raised only by the local health authorities or by the Illinois department of public health. The patient must not leave the room in which isolated until the placard has been removed from the premises.

The other inmates of the quarantined premises, except the attendant, may go about their usual business, providing they do not come in contact with the patient and are not engaged in the production, handling, sale, or distribution of milk or other foods or food products or in the retailing of water. The attendant, upon leaving the premises, shall take all the precautions necessary to prevent the spread of the disease. Attendants shall not prepare or handle food for others than the patient and themselves (separate dishes and utensils should be used, and these must be kept in the room occupied by the patient) and their intercourse with others shall be as restricted as possible. They are strictly prohibited from engaging in any work connected with the preparing, marketing, or selling of foodstuffs, milk or milk products, including the washing or care of milk utensils or containers of any description, except as hereinbefore provided.

RULE VI. Quarantine of store or place of business.—Whenever a case of typhoid or paratyphoid fever shall occur on any premises connected with any store or place of business where milk, ice cream, other milk products, beverages, and foods for human consumption are prepared, handled, or sold, such store shall be quarantined until the case is terminated by removal, recovery, or death, and the premises are thoroughly disinfected, unless the premises are so constructed that that part in which the case exists can be and is effectively sealed from the store, under the supervision of the local health authorities, and unless the employees and all other persons connected with the store do not enter that part of the premises where the case exists and do not come in contact with the patient, his attendant, or any article whatsoever from the quarantined premises.

RULE VII. Termination of quarantine.—No person recovered from typhoid or paratyphoid fever shall be released from quarantine until two successive authentic specimens of dejecta⁹ (urine and feces) give upon laboratory examination negative results for typhoid and paratyphoid bacilli, the first specimen for examination to be taken ten days after temperature is normal and the second specimen thirty days after temperature is normal. However, persons recovered from these diseases who engage in any manner whatsoever in the preparation, handling, or sale of milk, ice cream, other milk products, beverages, and foods for human consumption are not permitted to do so until three successive specimens of dejecta (urine and feces) give upon laboratory examination negative results for typhoid and paratyphoid bacilli, the third specimen to be submitted for examination one week after the second specimen. This latter group of cases must furnish proof satisfactory to the Illinois department of public health that the specimens submitted by them for laboratory examination are bona fide or authentic specimens. All specimens from chronic typhoid or paratyphoid carriers shall comply with the requirements as explained in Rule XIII.

RULE VIII. Removals.—No person suffering from typhoid or paratyphoid fever shall be removed from any city, village, township, or county in which he is found unless consent to such removal be first obtained from the local health authorities both of the place from which and to which the patient is to be removed, and from the Illinois department of public health. Under no circumstances shall permission be granted for removal of any person or article from premises upon which a case of typhoid or paratyphoid fever has been found to exist, to any premises upon which milk or other foodstuffs are produced, sold, or handled, until permission of the local health authorities or the Illinois department of public health is obtained.

RULE IX. Sale of milk and other foodstuffs from quarantined premises prohibited.—Whenever a case of typhoid fever or paratyphoid fever shall occur or reside on any premises where milk or other foodstuffs are either produced, handled, or sold, the sale, exchange, or distribution in any manner whatsoever or the removal from the premises of milk, cream, any milk products or other foodstuffs is prohibited until the case has terminated by removal, recovery, or death and the premises and contents and all utensils are thoroughly disinfected under the supervision of the local health authorities: *Provided*, That in the event of typhoid or paratyphoid fever occurring on a dairy farm, the livestock only may be removed to some other premises upon permission to do so being obtained from the local health authorities and from the Illinois department of public health. The udders must be efficiently disinfected and the milking done and the milk cared for, handled, and sold at and from such other premises by persons other than those of the household of the patient or by persons other than those residing on the premises where the case exists.

The removal of milk bottles, pails, cans, or other articles used in the production or distribution of milk is entirely prohibited during the entire period of quarantine. The local health authorities may grant permission for the removal of laundry during the period of quarantine and of such other articles as can be adequately disinfected prior to removal, provided that said health authorities shall perform or supervise such disinfection.

RULE X. Delivery of milk.—The householder must place a thoroughly sterile container (a freshly scalded bottle or pail) to receive the milk at some convenient place outside the house out of reach of dogs or cats. The milkman shall place the milk therein without handling the receiving container. No milk bottle, basket, or any other article whatsoever may be taken out of or away from the quarantined premises during the period of quarantine. Before milk bottles are removed from the premises after quarantine is raised, they must be sterilized under the direction of the local health authorities.

RULE XI. Concurrent or bedside disinfection.—Proper precautions shall be taken to prevent the dissemination of infectious material by patients, physicians, nurses, attendants and other persons in charge of or authorized to enter quarantined premises. Soiled body or bed linen and handkerchiefs or cloths used to receive discharges from the patient should be immediately disinfected by boiling or by immersion in an approved disinfecting solution. All discharges from bow-

⁹ Examinations of stool and urine for typhoid or paratyphoid bacilli will be made free of charge at the laboratory of the Illinois department of public health, Springfield. Containers for forwarding specimens will be furnished on request addressed to the laboratory of the department at Springfield.

No result of laboratory examination will be recognized unless the same is made at the central laboratory of Illinois department of public health or at the branch or other laboratory authorized to make such examinations.

els and bladder must be received in a vessel containing a liberal quantity of an approved disinfectant, and should be thoroughly mixed with the disinfectant and allowed to stand at least one-half hour. Such disinfectant must be continued so long after the recovery of the patient as the intestinal discharges continue to be more copious, liquid or frequent than natural. Discharges from the mouth and any vomit matter must also be completely disinfected before disposed of.

The discharges should never be emptied on the ground or into a stream. After thorough disinfection they may be emptied in the sewer system, or if no such system exists, as in rural districts, they should be buried at least 1 foot below the surface of the ground and not closer than 150 feet to any well or other source of water supply. If deposited in any outhouse, they must first be disinfected and the contents of the privy vault must be sprinkled daily with crude oil or kerosene, or other approved solution or substance, employed for the purpose of repelling flies. An ample supply of clean towels, soap, water, basins, and an approved disinfectant (see note)¹⁰ shall always be on hand for the disinfection of the hands of the attendants.

Upon leaving such premises the physician, health officer, or representatives of the Illinois department of public health shall take all precautions necessary to prevent the spread of the disease.

Prior to raising quarantine, the quarantined premises and all articles of clothing and furniture therein shall be thoroughly disinfected by or under the supervision of the local health authorities, in a manner approved by the Illinois department of public health.

RULE XII. Privies and cesspools.—Any privy existing on premises on which a case of typhoid or paratyphoid fever or typhoid or paratyphoid carrier is found to occur or on any premise to which a typhoid or paratyphoid case or typhoid or paratyphoid carrier may be removed shall be made thoroughly fly-proof by close-fitting, self-closing lids over the seats and by the elimination of all cracks and crevices that may permit the ingress or egress of flies to the materials deposited therein and contents of the vault treated with unslaked or freshly slaked or hydrated lime.

Any privy or cesspool on any such premises within 100 feet of any well or other source of water supply, or which though at a greater distance is by reason of the geological formation or the contour of the ground, liable to infect such well or other source of water supply, shall upon order of the local health authorities or of an authorized representative of the Illinois department of public health be altered, remodeled, or entirely abolished as directed by such authorities or such representative.

RULE XIII. Typhoid or paratyphoid carriers.—Persons declared to be chronic typhoid or paratyphoid carriers by the Illinois department of public health may be granted a modified form of quarantine upon signing a special form of agreement (appended to this rule) in duplicate, submitted by the Illinois department of public health (a third copy shall be given to the carrier, one signed copy filed with the local board of health or other legally constituted local health authority and the other signed copy forwarded to and kept on record by the Illinois department of public health). Local health authorities will be held responsible for the supervision of this modified quarantine of all chronic typhoid or paratyphoid carriers residing within their respective jurisdictions. The local board of health, executive health officer or commissioner shall visit or cause to be visited, each typhoid or paratyphoid carrier residing within the local health jurisdiction as often as may be necessary to insure compliance with the above-mentioned agreement (at least once every three months) and shall submit a report of each said visit to the Illinois department of public health, on a special form to be supplied for this purpose.

When it is desired to submit specimens of dejecta from chronic typhoid or paratyphoid carriers for laboratory examination, the Illinois department of public health reserves to itself the prerogative of passing finally upon all evidence which may be obtained thereby. All specimens of dejecta (feces and urine) submitted for laboratory examination must be sent to the central laboratory of the Illinois department of public health at Springfield. A chronic carrier shall not be released from observation and the rules of modified quarantine until four successive, authentic specimens of dejecta (feces and urine) give upon laboratory

¹⁰ Make up disinfecting solution by adding half a pound of Chloride of Lime (Chloride of Lime or bleaching powder) to 1 gallon of water, or three-fourths teaspoonful of liquor cresolis compositis, or 3 teaspoonfuls of creolin, or 8 teaspoonfuls of formaldehyde (37 per cent strength) to a pint of water. The solution of chlorinated lime is preferable.

examination negative results for typhoid and paratyphoid bacilli. These specimens are to be taken one month apart. The identity of such specimens must be beyond question and in order to insure this it will be necessary to secure the same under special surveillance, the nature of which must be acceptable to the Illinois department of public health.

Dr. I. D. RAWLINGS,
Director, Illinois Department of Public Health, Springfield, Ill.

DEAR SIR: I, _____, have this day been informed that my dejecta contains typhoid or paratyphoid bacilli and that, unless special precautions are taken, other persons may get typhoid or paratyphoid fever from me, directly or indirectly. Realizing this danger, I agree to observe the precautions which are required by the Illinois department of public health and request that I be permitted to remain in free communication with other persons so long as I comply with these requirements necessary for the protection of the public health, which have been made clear to me and which I fully understand.

1. I agree not to have anything to do with the production or handling of food that is to be consumed uncooked or the preparation or handling of milk, milk products or drinks of any kind, to be consumed by others, or the preparation or cooking of food which is to be consumed by others. I agree to wash my hands thoroughly with soap and water before each meal and come as little as possible in contact at the table with food that is consumed by others. Likewise, I agree not to go to the icebox or refrigerator where food is kept to be consumed by others.¹¹

2. I agree that every movement from my bowels not passed into a toilet flushed with water and connected with a sewer will be disinfected by me with a good disinfectant solution such as chloride of lime, carbolic acid or cresol, as explained on page 18 in the pamphlet on disinfection, published by the Illinois department of public health, a copy of which I now have. I also agree to have at convenient places an adequate supply of a suitable disinfectant for disinfecting my dejecta when a flush closet is not accessible.

3. Each time after using the toilet I agree to wash my hands with plenty of soap and water before touching directly taps, door knobs, spigots, handles of vessels, etc., and to dry my hands well and not permit others to use my soap and towels.

4. I agree to avoid if possible having a movement of my bowels except into a regular flush or fly proof toilet so situated that wells or other sources of water used for drinking, domestic, or other purposes will not be polluted at my home or place of business, when practicable. If I have only an outdoor privy to use I agree to keep it fly proof and disinfected with chloride of lime or quicklime.

5. I agree to take every precaution possible to avoid the soiling of my hands or anything else with my dejecta either directly or indirectly. I agree to disinfect my underclothing with a suitable liquid disinfectant before sending it to the laundry.

6. I agree not to live with persons who have not been immunized against typhoid fever or paratyphoid fever within two years.

7. I agree to inform the local health officer of any contemplated changes of residence, giving location and street address, so that he can notify the Illinois department of public health and obtain their approval.

8. I agree to submit specimens of my dejecta for examination when requested by the Illinois department of public health.

9. I agree to fill out a report blank similar to the appended form when submitted to me semiannually or annually and return the same to the Illinois department of public health.

Name _____,
Address _____.

SEMIANNUAL REPORT BLANK

ILLINOIS DEPARTMENT OF PUBLIC HEALTH,
Springfield, Ill.

GENTLEMEN: I have, during the last six months, complied to the best of my knowledge and ability with the nine separate agreements entered into between myself and the Illinois department of public health. Precautions involved in these separate agreements, I understand, are for the purpose of preventing the spread of typhoid or paratyphoid infection.

Respectfully,

Name _____,
Address _____.

Dated, _____

RULE XIV. Deaths and burials.—Disposal of the body of anyone dead from typhoid fever or paratyphoid fever shall be effected within seventy-two hours after death. The undertaker or person acting as such shall wash the body with an approved disinfecting fluid and close all orifices with absorbent cotton. The body shall then be placed in the casket or coffin which shall be immediately closed. The casket may then be removed from the room in which the patient died to the room prepared for it. The room in which the patient died shall then be immediately disinfected by the undertaker in the manner prescribed by the Illinois department of public health.

When the body of anyone dead from typhoid fever or paratyphoid fever is to be transported by railroad or by other common carrier, the official rules of the Illinois department of public health for the transportation of the dead must be observed.

Prior to the removal of the body the undertaker or person acting as such shall secure a burial permit from the local registrar of vital statistics in accordance with the provisions of the statutes.

¹¹ NOTE.—This rule need not apply to the housewife who is a carrier thirty days after all the members of her family have been immunized with three injections of typhoid and paratyphoid A and B vaccine and there is evidence that the family is not financially able to employ help to do the cooking.

Every human body dead from typhoid fever or paratyphoid fever, interred in any burying ground or cemetery in the State of Illinois, shall be at least 4 feet below the natural surface of the ground and shall be covered immediately with at least 4 feet of earth: *Provided*, That this shall not apply where bodies are placed or buried in properly constructed private vaults so as to prevent the escape of gases therefrom.

Repeal, effective dates.—All provisions of previous rules and regulations for the control of typhoid fever, paratyphoid fever, and typhoid or paratyphoid carriers, in conflict with the foregoing, are hereby annulled.

These rules shall be in force and effect on and after October 1, 1923.

Venereal Disease—Infection of one Spouse by the Other with, Ground for Divorce. (Act June 27, 1923)

SECTION 1. Section 1 of "An act to revise the law in relation to divorce," approved March 10, 1874, as amended is amended to read as follows:

"SECTION 1. In every case in which a marriage has been, or hereafter may be contracted and solemnized between any two persons, and it shall be adjudged in the manner hereinafter provided, that either party * * * has infected the other with a communicable venereal disease, it shall be lawful for the injured party to obtain a divorce and dissolution of such marriage contract."

County Tuberculosis Hospitals—Establishment and Maintenance Authorized—Conveyance of, or of Interest in, to Other Counties Authorized—Admission, Care, and Treatment of Patients. (Act June 26, 1923)

[Sections 1 and 7 of an act¹² approved June 28, 1915, are amended to read as follows:]

"SECTION 1. That the county board of each county of this State shall have the power, in the manner hereinafter provided, to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of such county, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed 2 mills on the dollar annually on all taxable property of such county, such tax to be levied and collected in like manner with the general taxes of such county, and to form, when collected, a fund to be known as the 'Tuberculosis sanitarium fund,' which said tax shall be in addition to all other taxes which such county is now, or hereafter may be, authorized to levy on the aggregate valuation of all property within such county, and the county clerk, in reducing tax levies under the provisions of section 2 of an act entitled 'An act to amend section 2 of an act entitled "An act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an act approved March 29, 1905, in force July 1, 1905,' approved June 14, 1909, in force July 1, 1909, shall not consider the tax for said tuberculosis sanitarium fund, authorized by this act, as a part of the general tax levy for county purposes, and shall not include the same in the limitation of 2 per cent of the assessed valuation upon which taxes are required to be extended: *Provided*, That in order to secure greater working efficiency any county maintaining a tuberculosis sanitarium may convey the property acquired for such purpose, or any part thereof, or any interest therein, to any other county or counties adjacent thereto upon such terms and conditions as the respective county boards thereof shall agree on by a majority vote of all the members of each of said county boards."

"SEC. 7. Every sanitarium established under this act shall be free for the benefit of such of the inhabitants of such county as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines, and attendance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reasonable rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of directors may exclude from the use of said sanitarium any and all persons who shall willfully violate such rules or regulations: *Provided, however*, That no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his consent in

¹² Reprint 338 from Public Health Reports p. 202.

writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian, or conservator as the case may be. Said board of directors shall, upon request or by consent of the person afflicted [afflicted], or of the parent or parents, guardian, or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such county. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such county, in this State, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribe.

"Boards of directors in counties without public tuberculosis sanitarium facilities may use funds secured under provisions of this act in providing sanitarium care of tuberculosis patients in private or public sanitariums of the State."

County Tuberculosis Hospitals—Discontinuance of. (Act June 21, 1923)

SECTION 1. Section 13 is added to "An act to authorize county authorities to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, and to levy and collect a tax to pay the cost of their establishment and maintenance," approved June 28, 1915, as amended, to read as follows:

"SEC. 13. Any county which has adopted the provisions of this act may discontinue it by a referendum initiated by a petition in the same manner provided in section 2 for its adoption. The proposition shall be stated "For the discontinuance of the tax for the county tuberculosis sanitarium," and "Against the discontinuance of the tax for the county tuberculosis sanitarium." If three-fifths of the votes cast upon the proposition are for the discontinuance, the board of directors shall proceed at once to close up the affairs of the county tuberculosis sanitarium. After the payment of all obligations the moneys in the tuberculosis sanitarium fund shall become a part of the general funds in the county treasury and the county board shall take over all property and equipment in the custody and under the control of the board of directors. The county board may sell such property or make such other disposition as is for the best interests of the county.

"The terms of the board of directors shall terminate when their duties in connection with closing up the affairs of the tuberculosis sanitarium have ended."

SEC. 2. The title of said act is amended to read as follows: "An act relating to county tuberculosis sanitarium."

Tuberculosis Hospitals—Cities and Villages Authorized to Establish and Maintain. (Act June 26, 1923)

SECTION. 1. Section 1 of an act entitled "An act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, as subsequently amended, is amended to read as follows:

"SECTION 1. That the city council of cities and boards of trustees in villages of this State shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium and branches, dispensaries, and other auxiliary institutions connected with same within or without the limits of such cities and villages, for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed 1 mill on the dollar annually on all taxable property of such city or village, such tax to be levied and collected in like manner with the general taxes of the city or village and to be known as the 'Tuberculosis sanitarium fund' which said tax shall be in addition to all other taxes which such city or village is now or hereafter may be authorized to levy upon the aggregate valuation of all property within such city or village, and shall be in addition to the amount authorized to be levied for general purposes as provided by section 1 of Article VIII of 'An act to provide for the incorporation of cities and villages,' approved April 10, 1872, and all amendments thereto, and the county clerk, in reducing tax levies under the provisions of section 2 of an act entitled 'An act concerning the levy and extension of taxes,' approved May 9, 1901, in force July 1, 1901, as subsequently amended, shall not consider

the tax for said tuberculosis sanitarium fund authorized by this act as a part of the general tax levy for city or village purposes, and shall not include the same in the limitation of 2 per cent of the assessed valuation upon which taxes are required to be extended."

Officials of Counties, Cities, Towns, Villages, and Townships—Certain Information Regarding, to be Furnished State Department of Public Health (Act June 27, 1923)

SECTION 1. Sections 21, 22, and 23 are added to "An act to create and establish a board of health in the State of Illinois, [" approved May 28, 1877, as amended, these sections to read as follows:

"SEC. 21. The county clerk of every county under township organization shall, annually before the 1st of May furnish the department of public health the names and post-office addresses of the supervisor, assessor, and town clerk of every township in the county, the date when their terms of office expire, and the township of which each is an official. The county clerk of every county not under township organization shall, annually before the 1st of December furnish the department of public health the names and post-office addresses of the county commissioners and the date when their terms of office expire.

"SEC. 22. The clerk of every city, incorporated town, and village shall, annually before the 1st day of May furnish the department of public health the name of the mayor or president of the board of trustees, the clerk, the health officer, and the members of the board of health and this list shall indicate which person is charged with the enforcement of quarantine regulations.

"SEC. 23. The county, city, incorporated town or village clerk shall promptly inform the department of public health of vacancies in the offices named in sections 21 and 22 of this act and appointments or elections to fill such vacancies."

Filled Milk or Cream—Manufacture or Sale Prohibited. (Act June 21, 1923)

SECTION 1. Section 19½ is added to "An act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated, or misbranded food, liquors, or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture, and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, as amended, this section to read as follows:

"SEC. 19½. No person shall manufacture, sell, or exchange, or have in possession with intent to sell or exchange any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever."

SEC. 2. This act shall take effect on January 1, 1924.

Substitutes for Butter—Certain Words, Symbols, or Representations not to be Used in Connection with the Sale or Advertisement of. (Act June 28, 1923)

SECTION 1. No person, firm, or corporation shall use, in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "Butter," "Creamery," or "Dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter, other than in the corporate or trade name of such person, firm or corporation heretofore incorporated, that is actually engaged in the manufacture of butter.

SEC. 2. Whoever violates the provisions of this act shall, upon conviction be liable to a fine of not less than \$10 nor more than \$100. The enforcement of this act shall be charged to the division of foods and dairies, of the department of agriculture.

SEC. 3. All fines imposed and collected for violations hereof shall be remitted to the department of agriculture within thirty days after the collection thereof by the justice of the peace, police magistrate, or clerk of the court in which the prosecution was brought.

All fines imposed and collected for violations hereof and not remitted to the department of agriculture within thirty days from such collection, shall be deemed

to have been embezzled and the justice of the peace, police magistrate, or clerk of the court responsible for such failure to remit shall be subject to prosecution for embezzlement.

SEC. 4. This act shall take effect on the 1st day of January, 1924.

Tuberculosis in Cattle—Counties Authorized to Appropriate for the Suppression, Eradication, and Control of. (Act June 25, 1923)

SECTION 1. Section 24 of "An act to revise the law in relation to counties," approved March 31, 1874, as amended, is amended to read as follows:

"Sec. 24. Each county shall have power—

* * * * *

"Tenth. To appropriate funds from the county treasury to be used in any manner to be determined by the board for the suppression, eradication, and control of tuberculosis among domestic cattle in such county."

* * * * *

Tuberculosis in Cattle—Appraisal and Destruction of Diseased Animals—Payments to Owners of Destroyed Animals. (Act June 26, 1923)

SECTION 1. Section 6 of "An act¹³ in relation to the suppression, eradication, and control of tuberculosis among domestic cattle and to provide an appropriation therefor," approved June 28, 1919, is amended, and section 6a is added thereto, the amended and added sections to read as follows:

"SEC. 6. If any cattle tested for tuberculosis under the provisions of this act shall react to the test, and the owner shall consent to the destruction thereof, such cattle shall be appraised by a board of appraisers, consisting of a representative of the United States Department of Agriculture, and a representative of the department of agriculture of the State of Illinois. In case of a failure to agree on the valuation, or if the owner refuses to accept the appraised value, the two appraisers, together with the owner, shall select a third appraiser agreeable to all. The owner shall be bound by the appraisal. The State of Illinois shall pay to the owner of cattle destroyed under the provisions of this act one-third of the difference between the appraised value of such cattle and the proceeds from the sale of the salvage, which the owner shall receive: *Provided*, That in no case, except as hereinafter provided, shall any payment hereunder exceed \$25 for any grade animal or \$50 for any purebred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

"SEC. 6a. If at any time the Congress of the United States fails or refuses to make an appropriation to assist in the eradication of tuberculosis and in the payment for cattle destroyed under the provisions of this act, or if for any other reason or in any other way the cooperation of the United States Government is withdrawn, the State of Illinois shall pay to the owner of cattle destroyed under the provisions of this act two-thirds the difference between the appraised value of such cattle and the proceeds from the sale of the salvage, which the owner shall receive: *Provided*, That in no case shall any such payment exceed \$50 for any grade animal nor \$100 for any purebred animal.

"Whenever the cooperation of the United States Department of Agriculture is withdrawn, the tests as hereinbefore provided shall be made under the direction of the State department of agriculture, and the appraisal herein provided for shall be made by a board of appraisers consisting of a representative of the State department of agriculture and a representative selected by the owner of the cattle and the two said appraisers shall select a third appraiser and the owner shall be bound by the appraisal then made by such board of three."

Hotels, Inns, and Public Lodging Houses—Water and Sewer Connections Required where Possible—Location, Construction, and Maintenance of Privies and Cesspools—Labeling of Unsafe Water Supply. (Reg. Dept. of Public H., Effective June 5, 1923)

1. Wherever a public sewer, installed or suitable for sanitary drainage, exists in the street or alley adjoining a hotel, inn, or public lodging house property, the buildings used for lodging purposes shall be connected to such sewer and flush toilets and running-water lavatories installed, and no privies or cesspools shall be permitted on the property.

¹³ Supplement 42 to Public Health Reports, p. 196.

2. Whenever connections to a sewer system can not be had, privies and cess-pools may be used, provided they are so located that they will not serve as sources of pollution of any well which must be depended upon for a domestic water supply and shall be so constructed that they shall not cause a local nuisance or insanitary condition.

3. Whenever a location for a cesspool or privy can not be had that will not serve as a source of contamination for a well, then privies with absolutely watertight vaults or removable receptacles will be provided and the waste material will be removed from such vaults or receptacles at sufficiently frequent intervals so that no overflow of the waste material will prevail and no local nuisances or insanitary conditions will be created.

4. Wherever privies are used, they shall be so constructed that they shall be fly-tight, and the equal in sanitary condition to the sanitary privies recommended in publications of the State department of public health.

5. The plumbing in hotels, inns, and public lodging houses shall be such as to provide for the prompt and adequate removal of liquid wastes and not give rise to nuisance or insanitary conditions from odors or other causes.

6. Whenever the water supply serving taps in hotels, inns, and public lodging houses has been pronounced unsafe for domestic and drinking purposes by the State department of public health, the taps shall be conspicuously labelled with a sign painted in red and preferably on metal, stating "This water is dangerous."

Sanitary Districts—Construction of Sewers, Drains, and Other Improvements. (Act June 29, 1923)

SECTION. 1. That an act¹⁴ entitled "An act to create sanitary districts and to provide for sewage disposal," approved June 22, 1917, as amended, be amended by adding thereto four additional sections said additional sections to be known as sections 19, 20, 21, and 22, to read as follows:

"SEC. 19. The board of trustees shall have the power to build and construct and to defray the costs and expenses of the construction of drains, sewers, or laterals, or drains and sewers and laterals and other necessary adjuncts thereto, including pumps and pumping stations, made by it in the execution or in furtherance of the powers heretofore granted to such sanitary district by special assessment or by general taxation, or partly by special assessment and partly by general taxation, as they shall by ordinance prescribe. It shall constitute no objection to any special assessment that the improvement for which the same is levied is partly outside the limits of such sanitary district, but no special assessments shall be made upon property situated outside of such sanitary district, and in no case shall any property be assessed more than it will be benefited by the improvement for which the assessment is levied. The proceedings for making, levying, collecting and enforcing of any special assessment levied hereunder, the letting of contracts, performance of the work and all other matters pertaining to the construction and making of the improvement shall be the same as nearly as may be as is prescribed in an act entitled 'An act concerning local improvements,' approved June 14, 1897, and amendments thereto. Whenever in said act the words 'city council' or the words 'board of local improvements' are used the same shall apply to the board of trustees constituted by this act, and the word 'mayor' or 'president of the board of local improvements' shall apply to the president of the board of trustees constituted by this act, and the words applying to the city or its officers in that act shall be held to apply to the district created under this act and its officers.

"SEC. 20. When any special assessment is made under this act, the ordinance authorizing such assessment may provide that the entire assessment and each individual assessment be divided into annual installments, not more than twenty in number. In all cases such division shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment so as to leave the remaining installments of the aggregate equal in amount and each a multiple of \$100. The said several installments shall bear interest at the rate of not to exceed 6 per cent per annum; both principal and interest shall be payable, collected, and enforced as they shall become due in the manner provided for the levy, payment, collection, and enforcement of such assessments and interest, as provided in said act of the general

¹⁴ Supplement 37 to Public Health Report p. 131.

assembly entitled 'An act concerning local improvements,' adopted June 14, 1897, as amended.

"Sec. 21. Whenever any ordinance providing for any improvement shall in pursuance of authority conferred in this act provide for payment for same, either in whole or in part, by special assessment, said board of trustees may issue bonds to anticipate the collection of the second and succeeding installments of said assessments payable only out of such assessment when collected and bearing interest at the same rate as provided upon the installments of such assessment. Said bonds shall be issued and subject to call and retirement in the same manner as provided in said act of the general assembly of the State of Illinois, entitled 'An act concerning local improvements,' approved June 14, 1897, and amendments thereto.

"Sec. 22. Whenever the board of trustees of any sanitary district organized under this act shall pass an ordinance for the making of any improvement authorized by this act and shall provide that the same shall be paid for by special assessment, as provided in section 19 of this act, as amended, the making of which will require that private property shall be taken or damaged, the cost of acquiring the right to take or damage such property may be included in said assessments as a part of the cost of making such improvement.

"Such compensation shall be ascertained in the manner provided by an act of the general assembly of the State of Illinois entitled 'An act concerning local improvements,' approved June 14, 1897, and amendments thereto, and all proceedings relating to the taking or damaging of said property and levying such assessment shall be in accordance with said act of the general assembly of the State of Illinois, entitled 'An act concerning local improvements,' approved June 14, 1897, and amendments thereto."

Sewers, Drains, Sewerage Systems, Drainage Systems, or Sewage Disposal or Treatment Plants—Contracts between Municipalities and Sanitary Districts Relating to. (Act June 28, 1923)

SECTION 1. That an act entitled "An act to enable cities, towns, and villages to contract with each other for sewerage," approved May 14, 1879, in force July 1, 1879, be and the same is hereby amended by amending section 1 and section 2 thereof and by adding section 3 thereto, so that said sections 1 and 2 when amended and said section 3 when added shall read as follows:

"That whenever any city or incorporated town or village within any sanitary district shall be adjacent or contiguous to any other city or incorporated town or village within the limits of any sanitary district, such city, incorporated town, or village and such sanitary district shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the perpetual or temporary use and benefit of any sewer or drain, or of any system of sewerage or drainage or part thereof or any sewage disposal or sewage treatment plants and works heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage or sewage disposal or sewage treatment plants and works constructed or which may be hereafter constructed by the one may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain or sewage disposal or sewage treatment plants and works by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

"Sec. 2. The contract contemplated in section 1 of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of any such city, incorporated town or village, or sanitary district proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of any such city, incorporated town, village, or sanitary district confirming or agreeing to such contract, and every such contract when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

"Sec. 3. That any and all contracts heretofore entered into by and between any such city, incorporated town or village, and any such sanitary district to allow and permit any sanitary district the perpetual or temporary use of any sewer, drain, system of sewerage or drainage, or sewage [sic] or part thereof or

any sewage disposal or treatment plants and works of any city, incorporated town or village within such sanitary district shall be and are hereby declared to be legal and valid."

Sewers, Drains, Sewerage Systems, Drainage Systems, and Sewage Treatment Works—Making and Validation of Contracts between the Sanitary District of Chicago and Municipalities Relative to the Use, Enlargement, Reconstruction, Repair, Maintenance, and Operation of, Belonging to Such Municipalities. (Act June 28, 1923)

SECTION 1. That the sanitary district of Chicago be and it is hereby authorized and empowered to contract upon such terms as may be agreed upon with the corporate authorities of any city, incorporated town or village within the limits of the sanitary district of Chicago to allow and permit the sanitary district of Chicago to enter upon and use any sewer or drain or any system of sewerage or drainage or any part thereof or any sewage treatment works or part thereof, of any such city, incorporated town or village, and to enlarge, reconstruct, repair, maintain, and operate the same.

SEC. 2. That any and all contracts heretofore entered into by and between the sanitary district of Chicago and any such city, incorporated town, or village to allow and permit the sanitary district of Chicago the perpetual or temporary use of any sewer, drain system of sewerage or drainage or part thereof or any sewage disposal or treatment works or part thereof of any such city, incorporated town or village and to enlarge, reconstruct, repair, maintain, and operate the same, shall be and are hereby declared to be legal and valid.

Wood Alcohol, Preparations Containing Wood Alcohol, or Poisonous Liquor—Death Resulting from the Use of, Declared to be Murder when Knowingly and Willfully Sold or Furnished for Beverage Purposes. (Act June 25, 1923)

SECTION 1. Whoever knowingly and willfully sells, barter, or furnishes any wood alcohol, or any compound or preparation containing wood alcohol, or any poisonous liquor to be used for beverage purposes and death results from such use shall be guilty of murder and punished accordingly.

INDIANA

Department of Public Sanitation in Certain Cities—Tax Levy to Pay for Expenses of. (Ch. 138, Act Mar. 7, 1923)

SECTION 1. *Public sanitation; tax levy; collection and disbursement of fund.*—That section 2 of the above-entitled act of March 9, 1921 [An act to amend sections 3 and 21 of an act entitled "An act concerning the department of public sanitation in cities of the first class, defining its powers and duties, creating sanitary districts consisting of such cities and any incorporated towns located within the boundaries thereof, repealing conflicting laws, and declaring an emergency," approved March 9, 1917, repealing all laws and parts of laws in conflict therewith, and declaring an emergency, approved March 9, 1921], be amended to read as follows:

"SEC. 2. That section 21 of the above-entitled act be amended to read as follows:

"SEC. 21. For the purpose of providing for the payment of all general expenses of said board of sanitary commissioners, including salaries of officers and employees and other items of expense not properly chargeable into the cost of any property acquired or work done under any resolution of said board for which special taxing district bonds are issued, and for the further purpose of providing for the operation, maintenance, and repair of any incinerating, reduction, or sewage disposal plant or plants, intercepting or connecting sewers and drains, and other plants and permanent works constructed, and the cost of the collection and removal of garbage and ashes, including the repair and maintenance of equipment, or the performance of any duty imposed pursuant to the provisions of this act, a tax of not exceeding 8 cents on each \$100 of taxable property in such city of the first class and in such incorporated town located within the boundaries thereof, as the same appears on the tax duplicates, which shall be in addition to other taxes of said city and of said town, shall be levied annually by the common council of said city and by the board of trustees of said town, respectively, for sanitary purposes, and the county auditor shall estimate said taxes and enter the same upon the tax duplicate, and the county treasurer shall collect and enforce such taxes in the same manner as State and county taxes are estimated, entered, collected, and enforced. Any said county treasurer shall, between the first and tenth days of each month, notify the board of sanitary commissioners of the amount of such taxes collected for sanitary purposes during the preceding month, and upon the date of notification above referred to the county treasurer shall credit an account to be known as sanitary maintenance and general expense fund with such amount of taxes for sanitary purposes as may have been collected at that time, and such fund shall be used and expended for no other purpose than as stated in this section. The said board of sanitary commissioners shall have full, complete, and exclusive authority to expend for and on behalf of said city and such incorporated town located within the limits thereof all sums of money thus realized: *Provided*, That warrants for such expenditures shall be drawn by the controller of such city upon vouchers of such board of sanitary commissioners. Such board may by resolution authorize and make temporary loans in anticipation of revenues actually levied under this section, which loans shall mature and be paid within one year from the date of the making of the loan and shall bear not more than 6 per cent interest, interest payable at the maturity of the loan. The warrants or other evidence of such loans shall be sold for not less than par, and before the making of the loan, notice of the time, place, amount, and terms of the making of the loan shall be given by publication, by two insertions, one each week for two successive weeks in at least two newspapers of general circulation in said city printed in the English language, the first of said two insertions in each such paper being not earlier than twenty days before the day of sale and the last of such two insertions not less than ten days

before the day of sale, and such warrants shall import no personal obligation for their payment and shall be payable only out of the tax so levied. All money remaining in either or any of the funds to the credit of the board of sanitary commissioners at the end of the calendar year shall continue to belong to such funds, respectively, to be used by said board for the respective purposes for which funds are created: *And provided further*, That all funds raised under this section shall be deposited at interest with the depository or depositories of other public funds in such city, and all interest collected on such funds shall belong thereto: *And provided further*, That when any such board of sanitary commissioners shall assume the duty of the collection and removal of garbage and ashes as provided in this act, then any unexpended balance in the funds therefor appropriated for the current year to the department of public works for the collection and removal of garbage and ashes shall be transferred by the city controller of any such city to the proper credit of such department of public sanitation without further appropriation, and such funds shall thereafter be subject to the use of such department of public sanitation for the collection and removal of garbage and ashes of such city. In the event that the revenues in said "sanitary maintenance and general expense fund" of any sanitary district are at any time insufficient, any such city shall have the right to appropriate money of its general fund for the use and benefit of such sanitary district, which amount so appropriated and used shall be returned and repaid to such city out of the first available funds by the board of sanitary commissioners for said sanitary district."

Department of Public Sanitation in Certain Cities—Borrowing of Money by—Removal and Disposal of Garbage, Ashes, and Dead Animals—Sale of Property. (Ch. 139, Act Mar. 7, 1923)

SECTION 1. *Department of public sanitation; authority to borrow money.*—That the department of public sanitation in any city of the first class in the State of Indiana, in addition to any bond-issuing power it now has, be, and hereby is, empowered to borrow money and to issue negotiable bonds evidencing the debt, and to levy taxes to pay said bonds in the manner provided by section 19 of chapter 157 of the Indiana Statutes of 1917, for any and all of the following purposes, viz: (a) To provide funds to pay for equipment hereafter to be purchased or heretofore purchased by it, to be used in the collection and removal of garbage, ashes, dirt, rubbish, or waste matter of any kind, or either, or to be used, in whole or in part, in restoring to any fund under its control the principal of any money of such fund heretofore used by it in the purchase of any such equipment; (b) to provide funds to be used in paying for and equipping any building or buildings such sanitary commission may, in its opinion, made matter of record in its minutes, deem necessary in the performance of its duties imposed by law; (c) to provide funds to be used for the construction of a garbage reduction or garbage disposal plant or plants, or to enlarge or replace any garbage disposal or garbage reduction plant under its control now existing or hereafter to exist, power to so construct, enlarge, or replace any garbage disposal or garbage reduction plant being now hereby expressly conferred, and wherever in the past such replacement has occurred the acts of any such district in that behalf are hereby validated; (d) to provide funds to be used for the construction of an incinerator or incinerators, or an incinerating or reduction plant or plants, or other plant or plants, for the destruction of or disposal of garbage, filth, ashes, dirt, rubbish, or other waste matter, or of any one or more of such kinds of waste matter; and (e) to provide funds for the construction of any and all additions to, or extensions of, any plant or plants or system or systems or works at any time constructed by said department or otherwise lawfully under its control. All of the provisions of section 17 of chapter 157 of the Indiana Statutes of 1917, as amended by section 1 of chapter 46 of the Indiana Statutes of 1920, shall be applicable to the borrowing of money and the issuance of bonds pursuant to this section.

SEC. 2. *Removal of garbage and ashes.*—It shall be the duty of each such department of sanitation to haul away and to dispose of all garbage—that is to say, kitchen refuse from cooking food—found in its sanitary district from private kitchens and the kitchens of all other establishments and institutions, and no other person may lawfully haul away from the place of its production any such garbage produced or found in any such sanitary district, and any other person convicted of such hauling shall be fined for each offense in a sum not greater than \$25.

It shall also be the duty of each such department of sanitation to haul away and dispose of all ashes produced in its sanitary district in the operation of stoves, furnaces, and other appliances and plants used in residence buildings for cooking food, or for heating such buildings, or for heating water in such buildings, and every person, establishment, or institution so producing ashes in said district shall place the same in a metal container and keep the same so covered as to be rainproof, and shall place all such ash containers at a convenient place for hauling as said department shall direct, but said department shall be under no duty to haul or dispose of ashes produced in any way or for any purpose other than the purposes above mentioned.

Sec. 3. Removal of dead animals.—It shall be the duty of each such department of sanitation to provide all necessary equipment for the removal and disposal of all domestic animals not killed for food which shall die within its sanitary district and to remove and dispose of the same as soon as it has notice that such animal has so died, and it shall be unlawful for any other person or institution to haul or transport such a dead animal within said sanitary district, and any person convicted of so doing shall, for each offense, be fined in any sum not greater than \$25.

Sec. 4. Authority to sell property of department.—Whenever any personal or real property of any such department of sanitation can not, in the opinion of such board of sanitary commissioners, as expressed in its minutes, longer be advantageously used by such department of sanitation in the performance of its duties imposed by law, the board of sanitary commissioners shall cause the same to be appraised by two disinterested appraisers, and may sell the same for the best price obtainable, but for not less than the appraised value. Such sale may be at public or private sale, but only after notice thereof, published at least one time in one or more newspapers of general circulation, published in the board's sanitary district. The publication shall begin not more than thirty days nor fewer than five days before the day mentioned in such notice as the day of sale. Upon any such sale being made, and the purchase price having been paid into the treasury of the city for use of the sanitary district in its maintenance fund, on request of said board, the mayor and controller of the city shall, in the name of the city, but for the use of such department of sanitation, execute such deeds and other instruments of transfer as may be necessary or proper to vest in the purchaser the full and absolute title to the property so sold and purchased.

School Health Fund in Certain Cities—Special Tax to Create. (Ch. 175, Act Mar. 8, 1923)

SECTION 1. School health fund; tax levy.—That section 1 of the above-entitled act¹ [An act to amend section 2 of "An act concerning health in schools in cities of more than 100,000 population" approved March 6, 1909, and declaring an emergency, approved March 14, 1919] be amended to read as follows:

"SECTION 1. That section 2 of the above-entitled act be and the same is hereby amended to read as follows: 'SEC. 2. All expenses necessarily incurred in carrying out the provisions of this act shall be borne by such civil city. It is hereby made the duty of every civil city annually, beginning in 1923, to levy the sum of 1½ cents on each \$100 of taxables within such city, to create a fund, to be known as the "school health fund," for carrying out the provisions of this act. Such fund shall be under no circumstances used for any other purpose, but for the purpose aforesaid shall be subject to the warrant of the proper city official without any further appropriation. The duty of making such levy shall be performed regardless of any limit now existing by law in the tax-levying power of any such city.'

School Buildings—Sanitary Requirements. (Ch. 136, Act Mar. 7, 1923)

[Section 1 of the act approved March 1, 1911, entitled "An act to protect the health and lives of school children, and increase their efficiency, by providing healthful schoolhouses, and requiring the teaching of hygiene," as amended by acts approved March 14, 1913, and March 3, 1915, has been further amended to read as follows:]

¹ Supplement 42 to Public Health Reports, p. 226.

"SECTION 1. That after the going into effect of this act all schoolhouses which shall be constructed or remodeled shall be constructed in accordance and conform to the following sanitary principles, to wit:

"(a) *Sites*.—All sites shall be dry, and such drainage as may be necessary to secure and maintain dry grounds and dry buildings shall be selected and supplied. Said site and said buildings or any additions to present buildings shall not be nearer than 500 feet to any steam or interurban railroad or livery stable, except in the case of vocational schools and except in cases where the limitation shall be waived on approval of the superintendent of public instruction and secretary of the State board of health; or nearer than 500 feet to any horse, mule, or cattle barn used for breeding purposes; or any noise-making industry or any unhealthful conditions. And when such school building or school site is so located and established no livery stable, horse, mule, or cattle barn used for breeding purposes, or any noise-making industry or any unhealthful condition shall thereafter be constructed, erected, or maintained within 500 feet of any school building, school site, or school grounds. Good dry walks shall lead from the street or road to every schoolhouse and to all outhouses, and suitable playgrounds shall be provided.

"(b) *Buildings*.—School buildings if of brick shall have a stone foundation, or the foundation may be of brick or concrete: *Provided*, A layer of slate, stone, or other impervious material be interposed above the ground line, or the foundation may be of vitrified brick and the layer of impervious material will not be required. Every two-story schoolhouse shall have a dry, well-lighted basement under the entire building, said basement to have cement or concrete floor, and ceiling to be not less than 10 feet above the floor level. The ground floor of all schoolhouses shall be raised at least 3 feet above the ground level and have, when possible, dry, well-lighted basement under the entire building, and shall have solid foundation of brick, tile, stone, or concrete, and the area between the ground and the floor shall be thoroughly ventilated: *Provided, however*, Where the ground floor is of cement or concrete construction and thoroughly water and damp proof basements under two-story buildings and a space of 3 feet between ground level and the first floor of schoolhouses shall not be required. Each pupil shall be provided with not less than 225 cubic feet of space, and the interior walls and the ceiling shall be either painted or tinted some neutral color, as gray, slate, buff, or green.

"(c) *Lighting and seating*.—All schoolrooms where pupils are seated for study shall be lighted from one side only, and the glass area shall be not less than one-sixth of the floor area, and the windows shall extend from not less than 4 feet from the floor to at least 1 foot from the ceiling, all windows to be provided with roller or adjustable shades of neutral color, as blue, gray, slate, buff, or green. Desk and desk seats shall preferably be adjustable and at least 20 per cent of all desks and desk seats in each room shall be adjustable and shall be so placed that the light shall fall over the left shoulders of the pupils. For left-handed pupils desks and seats may be placed so as to permit the light to fall over the right shoulder.

"(d) *Blackboards and cloakrooms*.—Blackboards shall be preferably of slate, but, of whatever material, the color shall be a dead black. Cloakrooms, well-lighted, warmed and ventilated, or sanitary lockers, shall be provided for each study schoolroom.

"(e) *Water supply and drinking arrangements*.—All schoolhouses shall be supplied with pure drinking water, and the water supply shall be from driven wells or other sources approved by the health authorities. Only smooth, stout glass or enameled metal drinking cups shall be used; water buckets and tin drinking cups shall be unlawful and are forbidden; and, whenever it is practicable, flowing sanitary drinking fountains which do not require drinking cups shall be provided. All schoolhouse wells and pumps shall be supplied with troughs or drains to take away waste water, and under no conditions shall pools or sodden places or small or large mudholes be allowed to exist near a well. When water is not supplied at pumps or from water faucets or sanitary drinking fountains then covered tanks or coolers supplied with spring or self-closing faucets shall be provided.

"(f) *Heating and ventilation*.—All schoolhouses hereafter constructed or remodeled shall be supplied with heating and ventilating systems. Fresh air shall be taken from outside the building and properly diffused without draughts through each schoolroom during school session. Each schoolroom shall be supplied with foul-air flues of ample size to withdraw the foul air therefrom at a

minimum rate of 1,800 cubic feet per hour for each 225 cubic feet of said school-room space, regardless of outside atmospheric conditions; and heaters of all kinds shall be capable of maintaining a temperature of 70° Fahrenheit in all schoolrooms, halls, office rooms, laboratories, and manual-training rooms, in all kinds of weather, and maintaining in each schoolroom a relative humidity of not less than 40 per cent: *Provided*, That when artificial ventilation by use of fan or blower is adopted the provision as to entrance of fresh air shall be from outside of the building.

"It is hereby made lawful for any township trustee, board of school trustees, and boards of school commissioners to establish and maintain open-air schools, and when such open-air schools are established the provisions of this act governing heating and ventilation shall not apply to such open-air school rooms.

"(g) *Water-closets and outhouses.*—Water-closets, or dry closets when provided, shall be efficient and sanitary in every particular and furnished with stalls for each hopper or place; and when said water or dry closets are not provided, then sanitary outhouses, well separated for the sexes, shall be provided. Good dry walks shall lead to all outhouses, and screens or shields be built in front of them. Outhouses for males shall have urinals arranged with stalls and with conduits of galvanized iron, vitrified drain pipe, or other impervious material, draining into a sewer vault or other suitable place approved by the health authorities. Any agent, person, firm, or corporation selling, trading, or giving to any township trustee, school trustee, or board of school commissioners, any materials, supplies, sanitary apparatus, or systems, which when constructed or remodeled, or installed, in or for any schoolhouse, hereafter constructed or remodeled, which does not in all respects comply with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than \$500, to which may be added imprisonment in the county jail for any determinate period not more than six months, and shall be punished by a further fine of not less than \$5 for each day he shall fail to comply with any order of any court having jurisdiction for the correction of any such defects, in such schoolhouses hereafter constructed or remodeled, and any money claim for the construction or remodeling, or for any materials, supplies, sanitary apparatus, or systems furnished or constructed in or for any schoolhouse hereafter constructed or remodeled which does not in every way and in all respects comply with the requirements of this act shall be null and void."

Wash Houses at Coal Mines—Establishment—Sanitary Requirements. (Ch. 177, Act Mar. 8, 1923)

Sec. 16. * * *

(c) *Wash House.*—For the protection of the health of employees hereinafter mentioned it shall be the duty of the operator, lessee, superintendent of, or other person in charge of every coal mine or colliery, or other place where laborers employed are surrounded by or effected [sic] by similar conditions as employees in coal mines, at the request of in writing of twenty or more employees of such mine or place, or in event there are less than twenty men employed, then upon the written request of one-third of the number of employees employed, to provide a suitable wash room or wash house for the use of persons employed, so that they may change their clothing before beginning work and wash themselves and change their clothing after working.

(d) That said building or room shall be a separate building or room from the engine or boiler room, and shall be maintained in good order, be properly lighted and heated, and be supplied with clean cold and warm water, and shall be provided with all necessary facilities for persons to wash, and also provided with suitable lockers for the safekeeping of clothing: *Provided, however*, That the owner, operator, lessee, superintendent of, or other person in charge of such mine or place as aforesaid shall not be required to furnish soap or towels.

(e) That the operator, lessee, superintendent, or other person in charge of a mine may, in the discretion of such operator, lessee, superintendent, or other person, provide suitable hangers, or baskets in lieu of lockers on which to place their clothing in wash houses, which hanger or basket shall be so arranged with pulley and chain as to permit the clothes to be elevated out of reach and securely fastened. Said hangers or baskets shall be so spaced that the distance between each shall not be less than 2 feet from center to center of said hanger or basket.

(f) The operator, lessee, superintendent, or other person in charge of such mine or place as aforesaid shall be required to furnish a shower bath for every fifteen men washing in said washhouse. The floor space necessary for the men to dress shall not be less than 7 square feet per man washing or using the building.

(g) Ventilation of wash house shall be so provided as to permit the vapors and fumes thereof to readily escape. Such wash houses, when in use, shall be fumigated once each week or oftener if necessary.

(h) If any person or persons shall neglect or fail to comply with the provisions of paragraphs c, d, e, f, and g of this section, or shall maliciously injure or destroy or cause to be injured or destroyed said building or room, or any part thereof, or any of its appliances or fittings used for supplying light, heat, water, or other equipments, or shall commit a nuisance in said building or room, or leave discarded clothing or other rubbish in the building, or shall do any act tending to the injury or destruction thereof, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not to exceed \$500, to which may be added imprisonment in the county jail not to exceed sixty days.

IOWA

Physical Education Including Health Supervision and Instruction—Establishment of Courses in, in Schools. (Ch. 68, Act Apr. 16, 1923)

SECTION 1. *Physical education.*—On and after September 1, 1924, there shall be established and provided in all of the public elementary and secondary schools of this State physical education, including effective health supervision and health instruction of both sexes, and every pupil of school age attending such schools shall take the prescribed course or courses in physical education as herein provided.

Modified courses of instruction shall be provided for those pupils physically or mentally unable to take the courses provided for normal children. Said subject shall be taught in the manner prescribed by the State superintendent of public instruction. This program of physical education shall occupy periods each week totaling not less than fifty minutes, exclusive of recesses, throughout each and every school term. The conduct and attainment of the pupils shall be marked as in other subjects and shall form part of the requirements for promotion or graduation: *Provided*, That no pupil shall be required to take this instruction whose parents or guardian shall file a written statement with the school principal or teacher that such instruction conflicts with his or her religious belief.

SEC. 2. *In high schools and State institutions.*—After September 1, 1923, every high school, State college, university, or normal school giving teacher training courses shall provide a course or courses in physical education.

SEC. 3. *Manual of instruction.*—The State superintendent of public instruction is authorized to prepare or approve a manual on practical health training for the aid of teachers and to distribute same.

Filled Milk—Manufacture or Sale Prohibited. (Ch. 44, Act Mar. 28, 1923)

SECTION 1. *Manufacture, sale, or possession prohibited.*—It shall be unlawful for any person, firm, or corporation, by himself, or by any officer, servant, or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk, condensed or evaporated milk, powdered or desiccated milk, condensed skim milk, or any fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever.

SEC. 2. *Penalty.*—Any person, firm, or corporation violating any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than thirty days or by a fine of not less than \$25 nor more than \$100, or by both such fine and imprisonment.

SEC. 3. *Enforcement.*—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors, or agents, shall be charged with the enforcement of the provisions of this act.

SEC. 4. *Repeal.*—Section 2 of chapter 206, Acts of the Thirty-eighth General Assembly (S. C. C. 1445), is hereby amended by striking out all after line 67 thereof.

Habit-forming Drugs—Production, Importation, Transportation, Possession, Sale, Dispensing, and Use. (Ch. 43, Act Apr. 10, 1923)

SECTION 1. *Possession prohibited—Exceptions—Penalty.*—That no person shall have in his possession or under his control any opium, coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, including, cocaine, morphine, heroin, and codeine, unless it be possessed through having been prescribed, or dispensed, in good faith, by a physician, dentist, or veterinary surgeon

registered under the laws of Iowa and registered by the United States Government under the Harrison Act, an act of Congress approved December 17, 1914, as amended, to prescribe or dispense such drugs: *Provided*, That this section shall not apply to any person registered under the said Harrison Act, or to any employee, or assistant of a registered person and under his supervision, having such possession or control by virtue of his employment and not on his own account; or to the possession of any of the aforesaid drugs by any corporation engaged in the wholesale of such drugs, or by manufacturers of pharmaceuticals, the said wholesalers and manufacturers being registered under the said Harrison Act, or by any United States, State, city, county, or municipal official who has possession of any of said drugs by reason of his official duties, or by a warehouseman holding possession for a person so registered and who has paid the tax under the aforementioned Harrison Act, or to common carriers engaged in transporting such drugs: *Provided further*, That it shall not be necessary to negative any of the aforesaid exemptions under any complaint, information, indictment, or other writ or proceeding brought under this act; and the burden of proof of any such exemption shall be on the defendant. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not less than \$100 or more than \$1,000 or be imprisoned in the county jail not less than thirty days nor more than one year, or both such fine and imprisonment.

SEC. 2. *Manufacture, sale, etc., prohibited—Exceptions—Penalty.*—That no person, company, or corporation shall import, manufacture, produce, compound, sell, deal in, dispense, or give away any of the narcotic drugs mentioned in section 1 of this act, excepting as otherwise hereinafter provided. Any person who violates any of the provisions of this section shall be deemed guilty of a felony and on conviction be imprisoned in the State reformatory or State penitentiary for not more than ten years or a fine not to exceed \$1,000 or by both such fine and imprisonment. Any company or corporation violating any of the provisions of this section shall, on conviction, be fined not more than \$5,000 or less than \$500 and costs of prosecution: *Provided*, That this section shall not apply to persons registered under the aforesaid Harrison narcotic act and authorized or permitted to possess, sell, or use such narcotic drugs through compliance with said Harrison Act, and all United States, State, county, and municipal officials who in the exercise of their official duties are engaged in any business or act herein described.

SEC. 3. *Vehicles and containers.*—That any motor vehicle or vehicle drawn by animals, or any container that is being used for transporting narcotic drugs, which have been manufactured, sold, purchased, delivered, or received in violation of the laws of the United States or of this act, may be seized by any peace officer in any county in which such shipment originates or through which it passes or in the county in which it is to be delivered; said vehicle and the contents therein so seized shall be taken to a magistrate who shall serve notice on the owner thereof of such seizure and of the time set for a hearing thereon which shall not be less than five days nor more than fifteen days after said seizure. On the magistrate finding that such vehicle has been used in the illegal transportation of narcotic drugs he shall order the vehicle forfeited and direct a peace officer in charge thereof to sell the vehicle so seized as chattels under execution and apply the money to the payment of the costs of the action and any other monies remaining shall go into the school fund of the county: *Provided, however*, That any person owning such vehicle may file a claim for such vehicle setting out under oath that he did not know, and that by the exercise of due diligence he could not have known, that the vehicle was to be used for any such purpose.

SEC. 4. *General exceptions.*—That the provisions of this act shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine or any salt or derivative of any of them in one fluid ounce, or if a solid or semisolid preparation, in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this act. The provisions of this act shall not apply to decocanized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

SEC. 5. Common nuisance—Injunction.—That any building, erection, or place resorted to by habitual users of narcotic drugs for the purpose of using such drugs, or which is used for the illegal keeping of the same, and any building, erection, or place in which narcotic drugs are kept, sold, or dispensed in violation of the laws of Iowa or the laws of the United States shall be deemed a common nuisance, and it may be enjoined and abated through the same laws and proceedings provided for enjoining and abating intoxicating liquor nuisances, as provided for in title 12, chapter 6 of the code as amended, and evidence of the general reputation of the place shall be competent to establish the existence of the nuisance, and for the violation of any such injunction, temporary or permanent, the offender may be punished for contempt of court under the same laws and proceedings provided for punishment for contempt of court for the violation of an injunction made and entered against an intoxicating liquor nuisance, as provided in the afore-mentioned title and chapter.

SEC. 6. Search warrant.—If any credible resident of the State makes affidavit before a magistrate that he has reason to believe and does believe that narcotic drugs are kept or deposited by any person in any building, erection, or place, and are intended to be sold, dispensed, or used unlawfully, and such magistrate finds that the affiant has probable cause for believing his allegations to be true, he shall issue a search warrant, directed to any peace officer in the county commanding him to search the premises described in such affidavit or information, and to seize and securely keep any such drugs found in the place described until final action thereon, and return the warrant forthwith, with his doings thereon, to the magistrate issuing the same.

SEC. 7. Forfeiture—Burden of proof—Order of disposal.—The magistrate issuing a search warrant upon which the peace officer serving it, in his return thereon shows the seizure of any narcotic drugs, shall cause to be left at the place searched, a notice setting out the kind and quantity of narcotic drugs so seized and fixing a date of not less than five nor more than fifteen days after such seizure, at which time the said drugs will be forfeited on an order of default unless the owner appears and files a written claim for the same, when the drugs at issue shall be tried substantially as an action in equity, and the claimant of the drugs may introduce evidence to show that he possessed the drugs in question legally and that they were not intended for illegal use. The burden of proof shall be on the claimant of the drugs, and if he establish the fact that the drugs were possessed legally and were not intended for illegal sale or use, then the said drugs shall be delivered to the claimant; otherwise the magistrate shall order such drugs delivered to the State board of control, to be used in the State hospitals under the direction of the superintendent or a physician of the institution, or by his direction, and the costs taxed to the claimant. The claimant of such drugs and the State shall have the right to appeal as in ordinary civil actions.

SEC. 8. Forms.—That all forms necessary to carry out the provisions of this act shall be prepared and provided by the attorney general.

SEC. 9. Rule of construction.—That all provisions of this act shall be construed as mandatory and not directory and that all provisions shall be construed by the courts so as to prevent evasion.

SEC. 10. Applicability of act—Rule of evidence.—That the provisions of this act shall not apply to any person, company, or corporation exempted under section 1 of this act unless it be shown by competent evidence that such person, company, or corporation has purchased or received any narcotic drugs, heretofore mentioned, from persons not authorized to sell the same, and the possession of such narcotic drugs, unaccounted for by the legal authority to purchase and have possession of the same, or having in his possession any of such drugs concealed or stored in any other place than that provided for the storage of his stock of such drugs which have been purchased legally, shall be prima facie evidence of the purchase of such narcotic drugs from persons unauthorized to sell or dispense the same, in which case the proceedings, penalties, and forfeitures provided in this act shall apply.

Waters—Abatement of Conditions Causing Pollution of. (Ch. 37, Act Apr. 16, 1923)

SECTION 1. Pollution—Complaint—Hearing—Orders.—That whenever the city or town council, board of health of any city or town, the trustees of any township in this State or twenty-five residents by petition, shall make complaint in writing to the State board of health charging that any city, town, village, corporation, person, or firm named in said complaint is discharging, or is permitting

to be discharged any sewerage or other wastes or befouling or deleterious matter into any stream, watercourse, river, spring, lake, or pond, and is thereby materially injuring for domestic use the character of the water into which the same is discharged, or is rendering the same unwholesome or impure, or is polluting the source of any public water supply, or is rendering the same deleterious to fish life, it shall be the duty of the State board of health to forthwith inquire into and investigate the conditions complained of, and if upon such investigation said board shall find charges or any part of them made in such complaint to be true and that the conditions produced by the acts complained of are detrimental to public health or comfort, or to the comfort and health of persons residing in the vicinity, or befouling or deleterious to fish life, it shall notify the person, community, corporation, or firm causing the pollution of the board's finding, and in the notice shall fix a time for hearing. After such hearing if the State board of health shall determine that the person, community, corporation, or firm shall cease doing the acts complained of, it shall enter an order to that effect against the offender and shall at the same time suggest any improvements or changes in the offender's works, plant, or property, if any said board recommends, as will render the noxious matter so being passed into the water innocuous and harmless, and shall require by its order the offender to adopt and apply the board's recommendations in that behalf before the offender shall again resume such use of the water, and the board shall in its order requiring the offender to discontinue the use of the water, give to the offender a reasonable time to adopt, construct and put in use the appliance so recommended by the board, and such order shall in every case indicate as a part thereof the time given to such offender: *Provided, however,* That in the event said board of health shall find that any offender is polluting the source of any water supply or is rendering the water of any river, stream, or pond unwholesome or impure and dangerous to public health, the order of said board of health against such offender shall take effect immediately.

SEC. 2. *Right of State board.*—The State board of health shall have the same right and power to make inquiries and orders as provided in section 1 hereof upon its own motion as upon the complaint in writing being filed as therein required.

SEC. 3. *Record of proceedings.*—It shall be the duty of the secretary of the State board of health to keep a complete record, in a proper record book of the board, of all of the proceedings of said board had in pursuance of any provision of this act, and of all evidence taken by the board in such proceeding, including as a part of such record the findings and report of the sanitary engineers to be made as provided for in section 4 of this act. Such record shall be a public record open to the public.

SEC. 4. *Interpretive clause.*—The provisions of this act shall not be construed as repealing any of the provisions of the law as the same now exists relative to nuisances.

SEC. 5. *Applicability of act.*—*Provided, however,* That the provisions of this act shall not apply to the lower 4,000 feet of any stream flowing into a river at a place where such river forms a part of the boundary line of the State.

Tuberculous Cattle—Maximum Amount Payable by State to Owners of Destroyed Animals Reduced—Compensation not to be Made for Certain Animals.
(Ch. 49, Act Apr. 4, 1923)

SECTION 1. *Valuation of tubercular cattle.*—That section 10, chapter 287¹, Laws of the Thirty-eighth General Assembly be, and the same is hereby, amended by striking out of line 33 the word "eighty" and inserting in lieu thereof the word "fifty," and by striking out of line 34 the word "forty" and inserting in lieu thereof the words "twenty-five."

SEC. 2. *Forfeiting compensation.*—That any person, firm, or corporation importing into the State of Iowa any cattle which have not been tested, and which cattle are found to be infected with tuberculosis, shall not be permitted to participate in any such compensation.

¹ Supplement 42 to Public Health Reports, p. 239.

Breeding Cattle—Tuberculin Testing—Eradication of Tuberculosis in. (Ch. 48, Act Apr. 9, 1923)

SECTION 1. That the law as it appears in chapter 287 of the Acts of the Thirty-eighth General Assembly as amended by the Acts of the Thirty-ninth General Assembly (C. C. Title VIII, chapter 15) be and the same is hereby amended by inserting immediately following section 10 thereof the following:

"SEC. 10 a. *Tuberculosis—Local plan to eradicate.*—There is hereby established for the purpose of the eradication of bovine tuberculosis, the county area plan, and the county accredited area plan.

"SEC. 10 b. *County area testing unit—Establishment.*—Whenever a petition signed by 51 per cent of the owners of breeding cattle within the county, as shown by the assessor's reports, together with agreements as provided in section 10 hereof, shall be presented to the board of supervisors, the board shall make application to the commission of animal health of the State for the enrollment of said county under the county area plan and shall at the same time forward to the commission of animal health the agreements signed as provided herein. The commission of animal health shall, when it receives agreements signed by 51 per cent of the owners of breeding cattle within such county, designate such county as a county area testing unit and it shall forthwith proceed with the eradication of bovine tuberculosis in such county under the county area plan as provided herein.

"SEC. 10 c. *County eradication fund—Election.*—Or upon the receipt of a petition signed by 15 per cent of the voters of any county, as shown by the vote on the head of the ticket in the last general election, the board of supervisors shall submit at the next general election the following proposition: 'Shall _____ County levy a tax of not more than 3 mills on the taxable value of the county for the purpose of establishing a county area tuberculosis eradication fund and entering upon the county area tuberculosis eradication plan?' Should such a proposition carry in the next general election, the board shall proceed, as in this section provided, to establish the county area tuberculosis eradication plan.

"SEC. 10 d. *Tax.*—The board of supervisors of such county, shall when it makes the next regular levy for taxation purposes, levy a tax upon the taxable value of all the property in such county at a rate of not more than 3 mills, to be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as the other taxes of the county, said monies, when collected, to be placed in a fund to be known as the county tuberculosis eradication fund.

"SEC. 10 e. *Disbursement of fund.*—The county tuberculosis eradication fund shall be expended only on the order of the board of supervisors on warrants drawn by the county auditor and in payment for the purchase of materials, for compensation of employees and expenses of tuberculosis inspectors as hereinafter provided, and for indemnity for cattle slaughtered as provided herein.

"SEC. 10 f. *Inspectors—Appointment—Compensation.*—The commission of animal health shall, when it has designated any county as a unit for the eradication of bovine tuberculosis under the county area plan, appoint one or more accredited veterinarians as tuberculosis inspectors for such county, and such inspectors shall operate under the direction and control of the commission of animal health and shall test the breeding cattle of such owners as shall have signed agreements with the commission of animal health as provided in section 10 of this chapter. They shall receive as compensation not to exceed \$10 per diem and 10 cents for every mile traveled while engaged in such work. Such claims shall be first certified by the executive officers of the commission of animal health and filed with the county auditor. The county auditor shall present same to the board of supervisors and same shall be allowed and paid in the same manner as are other claims against the county.

"SEC. 10 g. *Tuberculin furnished—Payment.*—The commission of animal health shall furnish each such inspector with the necessary tuberculin or other material, not including instruments and utensils which shall be furnished by the inspector. All such expenses incurred shall be paid from the county tuberculosis eradication fund on proper claim being presented in the same manner as hereinbefore provided for the payment of compensation and expenses to inspectors.

"SEC. 10 h. *Funds to fulfill agreements.*—The commission of animal health shall each fiscal year hereafter set aside a sum from the State and Federal funds available sufficient to fulfill such agreements as may heretofore have been entered into under the provisions of this chapter, and shall also reserve such additional amount

as said commission deems necessary for its use in the administration of the general provisions of this chapter, but any owner who may hereafter sign any agreement with the commission of animal health for testing of cattle under chapter 287, Acts of the Thirty-eighth General Assembly, shall be subject to the provisions of section 10 k hereof whether such testing be under the county area plan or not.

"Sec. 10 i. *Allotment of funds.*—After such sums shall have been set aside, the commission of animal health shall prorate the remainder of any State or Federal funds available among the counties of the State in proportion to the number of breeding cattle owned in each county, as shown by the last preceding assessor's books. Such moneys shall be expended in the county where allotted: *Provided, however,* That the commission of animal health, whenever it deems it necessary for the welfare of the State or whenever such moneys are not needed in any county, transfer such moneys so remaining in any county's allotment to any other county.

"Sec. 10 j. *Inspectors—Use of allotted funds.*—The commission of animal health may employ the inspectors appointed under the county area plan or it may employ other inspectors to make tests in any county and to pay indemnities to owners of animals ordered slaughtered in the manner provided in section 10 hereof out of the county's allotment. However, if any county is operating under the county area plan, the allotment made to such county must be expended before the county tuberculosis eradication fund may be used.

"Sec. 10 k. *Waiver of indemnity.*—Any owner who shall sign an agreement with the commission of animal health for testing in any county under the county area plan whose loss as determined under the provisions of section 10 hereof shall be 5 per cent or less of the total appraised value of the animals tested, shall, in consideration of the free test as herein provided, be considered to have waived all claims to indemnity as provided in such section, and any owner, where the loss shall exceed 5 per cent of the appraised value of his animals tested, shall first deduct the said 5 per cent in consideration of such free test and shall then receive indemnity for the excess of such loss as provided in section 10 hereof.

"Sec. 10 l. *Use of county eradication fund.*—Should either the State or Federal funds available for the purpose of this act in any county become exhausted, the board of supervisors of such county shall authorize the use of the county tuberculosis eradication fund as a substitute for either or both such funds: *Provided, however,* That the board of supervisors shall, whenever the county tuberculosis eradication fund balance becomes less than \$10,000, notify the commission of animal health in writing of such fact, and no warrant shall be drawn against said fund and no expense incurred on such account in excess of the cash available in such fund.

"Sec. 10 m. *Accredited area—Conditions.*—Whenever 75 per cent of the owners of breeding cattle in any county operating under the county area plan shall have signed agreements with the commission of animal health, said commission shall notify the board of supervisors of such county of such fact, and such board of supervisors shall, at its next regular meeting, by resolution, declare such county's intention to become an accredited area, and it shall thereafter become the duty of every owner of breeding cattle within said county to cause his breeding cattle to be tested under the accredited area plan.

"Sec. 10 n. *Duty to have cattle tested—Penalty.*—Any owner of breeding cattle in any county which has come under the county area accredited plan as provided in the preceding section who fails or neglects to apply for such test or to have his cattle tested as provided herein within a period of ninety days from the publication of the resolution by the board of supervisors provided for in the preceding section, which publication shall be deemed legal notice, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than thirty days, or both or any part of both: *Provided, however,* That before any action is commenced under the provisions of this act the board of supervisors of such county shall cause such owner of breeding cattle to be served with a written notice of the terms of this act fifteen days before the commencement of such action.

"Sec. 10 o. *Additional head tax.*—Should it become apparent that the funds provided by State and Federal appropriations and by the county tuberculosis eradication fund as herein provided will not be sufficient to complete the testing of breeding cattle in any county which shall have adopted the county area plan within a reasonable time, the board of supervisors of such county is hereby

authorized and empowered to levy an additional tax of not more than 25 cents on each bovine animal, and not more than 5 cents on each swine within such county as shown by the last preceding assessor's books. Said fund shall be collected by the treasurer of the county in the same manner as other taxes and placed in the county tuberculosis eradication fund to be used as provided herein.

"SEC. 10 p. *Rule of construction*.—In the event that any one or more provisions of this act shall be held unconstitutional by any court the decision holding such provision unconstitutional shall not affect the validity of the remaining provisions of this act, it being the intention of the legislature that the provisions of this act are separable."

Sewer Connections—Law Relating to, Amended. (Ch. 118, Act Feb. 24, 1923)

SECTION 1. *Sanitary sewer in "alley."*—That chapter 316² of the Acts of the Thirty-eighth General Assembly (C. C., secs. 3653, 3654) be amended by inserting after the word "street" wherever it appears in lines 5 and 6 in section 1 thereof, and in lines 4 and 5 in section 2 thereof the words "or alley."

Dead Bodies—Disinterment. (Ch. 39, Act Apr. 4, 1923)

SECTION 1. *Disinterment of dead bodies*.—It shall be unlawful for any person firm, corporation, or committee to disinter the dead body of any human being or to open the casket or coffin of such dead body after burial, or to permit an autopsy thereon, or to aid, assist, encourage, or to incite any of the foregoing prohibited acts, except upon written application to the State board of health of the State of Iowa or the district court of the county in which the body is buried, and the procuring of a written permit for such disinterment.

SEC. 2. *Application for permit*.—All applications for permits shall specify—

(1) If it is the request of the next of kin, which shall include either the husband or wife of the deceased.

(2) Cause of death.

(3) Date of death.

(4) Age at death.

(5) Specific cause for application being made for such permit.

(6) Other pertinent information as may be required by the State board of health or the district court.

SEC. 3. *Issuance of permit*.—The State board of health or district court shall thoroughly investigate the reasons set forth in the application, and in issuing a permit the board or district court shall give proper respect for the dead, due regard for the feelings of the relatives and friends, careful consideration for the protection of the public health and public welfare, and in no case shall the board issue a permit except under circumstances of extreme exigency.

SEC. 4. *Disinterment for autopsy*.—Permits for the disinterment of the human dead shall be issued for the purpose of performing an autopsy thereon only when such person met death under circumstances as to cause the belief that such person met death through foul play or the wrongful act of another.

SEC. 5. *Penalty*.—A violation of any of the provisions of this act shall be a felony, and any person found guilty thereof shall be punished by imprisonment in the penitentiary for a term not exceeding two years, or be fined not exceeding \$2,500, or both such fine and imprisonment.

SEC. 6. *Applicability of act*.—This act shall not apply to county coroners acting under or pursuant to statutes prescribing the powers and duties of that official, nor to the district court in actions at law or in equity pending in said court, nor the next of kin of deceased.

Mattresses and Comforts—Manufacture, Labeling, and Sale. (Ch. 36, Act Apr. 16, 1923)

SECTION 1. *Definition*.—A mattress, within the meaning of this act, shall include what is commonly known as a bed mattress, and also any other article for use as a bed pad, consisting of an outer covering of cloth, ticking, or other fabric, and stuffed or filled with hair, wool, moss, cotton, excelsior, or any other material.

² Supplement 42 to Public Health Reports, p. 245.

A comfort, within the meaning of this act, shall include what is commonly known as a bed comfort, and also any other article for use as a bed cover, consisting of an outer covering of cloth or any other fabric, with wool, cotton, or other material between.

SEC. 2. Materials—Labels.—It shall be unlawful for any manufacturur or his agent to sell, offer, or consign for sale, or have in his possession with intent to sell, offer or consign for sale, any mattress or comfort as herein defined containing any infectious, insanitary, or unhealthful material, or any other material previously used or not entirely new, sterilized feathers excepted, and unless the same be labeled as follows, to wit: To each of said articles there shall be attached upon the outside thereof, a cloth, or cloth-lined label not less than 2 by 3 inches in size, upon which shall be legibly written or printed, in the English language, in letters not less than one-eighth of an inch in height, a description of the materials used in the filling, with the name and address of the maker of such mattress or comfort. The sewing of one edge of said label securely to said article shall be sufficient.

If all of the material used in making said articles shall not have been previously used, and be new, the words "Manufactured of new material" shall appear upon said label.

SEC. 3. Form of label.—The label above provided for shall be in substantially the following form, but may contain thereon additional statements or information:

OFFICIAL STATEMENT

Manufactured of new material. (Here describe kind and character of filling.)

This article is made in compliance with an act of the State of Iowa approved the — day of —

1923. (Here state manufacturer's name and address.)

Factory number—

SEC. 4. Applicability—Remaking.—This act shall not apply to mattresses or comforts made by any person for his individual or family use, nor to the remaking of any mattress or comfort not thereafter to be sold or offered for sale.

Any mattress or comfort so remade shall have attached thereto a label of the kind hereinbefore provided for, except that such label shall bear the words "Remade from used material" in lieu of the words "Manufactured of new material."

SEC. 5. Penalty.—It shall be unlawful for any person to remove, deface, or alter, or cause to be removed, defaced, or altered, any label so attached to said articles.

SEC. 6. Separate offense defined.—The doing of any of the acts herein prohibited or declared unlawful shall be and constitute a separate offense for each and every mattress or comfort not made, labeled, or otherwise handled, as provided in this act.

SEC. 7. Inspection—Duty to enforce—Rule of evidence.—It shall be the duty of the State board of health, not less than once each year, to cause each factory in the State, where mattresses or comforts are made, to be inspected, for which inspection a fee of \$10 shall be paid to the State by the manufacturer inspected, but no manufacturer shall be required to pay fees in excess of \$20 for any one calendar year.

The State board of health shall be charged with the enforcement of this act and shall have power to prosecute violators of this act, and the finding of any infectious, insanitary, unhealthful, or secondhand material in that part of any factory devoted to the manufacture of mattresses or comforts shall be prima facie evidence that such material has been and is being used in violation hereof.

SEC. 8. Penalty.—The violation of any of the provisions of this act shall be deemed a misdemeanor and upon conviction thereof any person may be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment.

SEC. 9. Registration.—Every manufacturer of mattresses shall register with the board of health and be assigned by them a factory number, which shall show on each label as attached to the mattress.

SEC. 10. Repeal.—Chapter 406, Acts of the Thirty-seventh General Assembly, is hereby repealed.

Public Comfort Stations—Establishment and Maintenance of, by Cities and Towns Authorized. (Ch. 260, Act Feb. 15, 1923)

That section 3730 of the Compiled Code of Iowa is amended, revised, and codified to read as follows:

"SECTION 1. *Public comfort stations.*—Any town of 1,000 or more inhabitants and any city of less than 25,000 inhabitants may establish and maintain one public comfort station. Any city of more than 25,000 inhabitants and less than 50,000 may establish and maintain two public comfort stations, and any city of over 50,000 inhabitants may establish and maintain three public comfort stations."

KANSAS

Condensed, Evaporated, or Concentrated Milk—Definitions and Standards. Filled Milk—Manufacture or Sale Prohibited. Condensed, Evaporated, or Powdered Skimmed Milk—Sale. (Ch. 226, Act Mar. 20, 1923)

SECTION 1. No person, firm, or corporation, by himself, or by his, their, or its agents or employees, shall sell, keep for sale, or offer for sale any condensed or evaporated milk, concentrated milk, sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk which shall not conform at least to the minimum standards hereinafter provided.

Condensed milk, evaporated milk, concentrated milk is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and ten days after calving, and contains, all tolerances being allowed for, not less than 25.5 per cent of total solids and not less than 7.8 per cent of milk fat.

Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and ten days after calving, to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of total milk solids, and not less than 8 per cent of milk fat.

Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than 20 per cent of milk solids.

Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk is the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of milk solids.

SEC. 2. No person, firm, or corporation, by himself, or by his, their, or its agents or employees, shall manufacture, sell, keep for sale, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products, or articles or the derivatives thereof, or under any fictitious or trade name whatsoever.

SEC. 3. No person, firm, or corporation, by himself, or by his, their, or its agents, or employees, shall sell, keep for sale or offer for sale any condensed or evaporated or powdered skim milk in containers holding less than 10 pounds avoirdupois net weight, and each said container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled, or printed thereon, together with the words "Condensed skim milk" or "Powdered skim milk," as the case may be, in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation, or label.

SEC. 4. Any person, firm, or corporation and any officer, agent, servant, or employee of such person, firm, or corporation who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25, nor more than \$200.

SEC. 5. The dairy commissioner, by himself or his deputies, shall be charged with the enforcement of the provisions of this section [sic].

SEC. 6. Nothing in this section [sic] shall be construed to prohibit the shipment into this State from a foreign State and the first sale thereof in this State, in the

original package intact and unbroken, of any of the products or articles the manufacture, sale, or exchange of which or possession of which, with intent to sell or exchange, is prohibited hereby.

SEC. 7. In event that any section, provision, paragraph, or part of this act shall be questioned in any court and shall be held by such court to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect.

Habit-Forming Drugs—Possession, Sale, and Dispensing. (Ch. 136, Act. Mar. 19, 1923)

SECTION 1. That Section 1 of chapter 210, Session Laws of 1921, is hereby amended to read as follows:

"SECTION 1. It shall be unlawful for any person to keep or have in his possession or under his control for personal use or otherwise any opium or coca leaves or any compound, salt, derivative, or preparation thereof, and such possession or control shall be presumptive evidence of a violation of this section; or to permit another to have or keep or use any of said drugs on any premises owned or controlled by him, or to sell or give away or furnish any of said drugs to another, except physicians, dentists, veterinary surgeons, registered nurses, or registered pharmacists as hereinafter provided. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than \$100 or more than \$500, and imprisoned in the county jail not less than thirty days nor more than six months."

SEC. 2. That section 2 of chapter 210 of the Session Laws of 1921 is hereby amended to read as follows:

"SEC. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs, except in pursuance of a written order of the person to whom such article is sold, bartered, exchanged, or given away, on a form to be issued on a blank for that purpose by the commissioner of internal revenue. Any person who shall accept any such order and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department of the United States duly authorized for that purpose, and the State, county, and city officials charged with the enforcement of this act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned. Nothing contained in this section shall apply—

"(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under the laws of the State of Kansas in the course of his professional practice only: *Provided*, That such physician, dentist, or veterinary surgeon shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in this act.

"(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a registered pharmacist to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under the laws of the State of Kansas: *Provided, however*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further*, That such registered pharmacist shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned."

SEC. 3. That section 1 and 2 of chapter 210 of the Session Laws of Kansas for 1921 are hereby repealed.

Bedding—Making, Remaking, Renovation, Labeling, and Sale. (Ch. 165, Act Mar. 17, 1923)

SECTION 1. That the term "bedding" as used in this act shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion, or pillow designed and made for use in sleeping or reclining except where the filling thereof consists exclusively of sterilized feathers. The word "person" as used in this act shall be construed to impart the plural and the singular, as the case demands, and shall include individuals, corporations, partnership[s], joint-stock companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by any individual, corporation, partnership, joint-stock company, society, or association, within the scope of his employment or office, shall in every case be also deemed the act, omission, or failure of such individual corporation, partnership, joint-stock company, society, or association as well as that of the person.

SEC. 2. That no person shall use in the making or remaking of any article of bedding as herein defined any material of any kind that has been used by or about any person having an infectious or contagious disease, or has formed a part of any article of bedding which has been so used.

SEC. 3. That no person shall use in the making, remaking, or renovating of any article of bedding as herein defined any material known as shoddy composed in whole or in part of old or worn clothing, carpets, or other fabric or material previously used, or from which shoddy is constructed; nor any material not otherwise prohibited by this act of which prior use has been made, unless any and all of said materials have been thoroughly sterilized and disinfected by a process approved by the State board of health of the State of Kansas. None of the provisions of this act shall apply to the making or remaking of bedding of any description by individuals for their own personal or family use.

SEC. 4. That no person shall sell, offer for sale, deliver or consign, or have in his possession with intent to sell, deliver, or consign, any bedding made or remade or renovated in violation of sections 2 and 3 of this act.

SEC. 5. That no person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver or consign for sale, any article of bedding which has been previously used unless the said article of bedding shall first be thoroughly sterilized and disinfected by a process approved by the State board of health of the State of Kansas. Sections 4 and 5 shall have no application to retail dealers who sell mattresses properly labeled under section 6 which are falsely labeled without their knowledge.

SEC. 6. That no person shall sell, offer for sale, consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale any article of bedding as herein defined, unless the same be labeled or tagged as follows: Upon each of such articles of bedding there shall be securely sewed upon the outside thereof a muslin or linen label or tag not less than 2 inches by 3 inches in size, upon which shall be legibly written or printed in the English language a description of the material used as the filling of such article of bedding; if any and all the material used as the filling of such article of bedding shall not have been previously used the words "manufactured of new material" shall appear upon said tag, together with the name and address of the maker or vendor thereof. If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "manufactured of previously used material," or "remade of previously used material," as the case may be, shall appear upon said tag or label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding. On any article of bedding, not remade, but which has been previously used, the words "second-hand," "materials used in filling not known," shall appear upon said tag or label, together with the name and address of the vendor thereof. The statement required under section 6 of this act shall in form be as follows:

OFFICIAL STATEMENT

Materials used in filling.....	Manufactured of new (or second-hand) material.....
Made by.....	
Vendor.....	
Address.....	
This article is made in compliance with an act of the State of Kansas, approved the..... day of....., 192—	

The statement of compliance required in the foregoing "official statement" shall not be construed to imply that it is prohibited to state also that the article of bedding is made in compliance with an act or acts of other States. The words "Manufactured of new material" or "Manufactured of previously used material," or "Remade of previously used material," or "Second-hand," "Materials used in filling not known," together with the description of the material used as the filling of an article of bedding shall be in letters not less than one-eighth of an inch in height. In the case of all articles of bedding, the sewing of one edge of the tag securely into the outside seam of the article shall be deemed a compliance with that portion of the act requiring that the tag be "securely sewed" upon the article. No term or description likely to mislead shall be used on any tag or label required by this act, in the description of the materials used in the filling of any article of bedding. If labeled felt, felt cotton, or cotton felt, it is understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton-felting machine.

SEC. 7. That any person, other than a purchaser for his own use, who shall remove, deface, alter, or shall cause to be removed, defaced, or altered, any label or tag upon any article of bedding so labeled or tagged under the provisions of this act, shall be guilty of a violation thereof.

SEC. 8. That any person who shall fail to comply with any of the provisions of this act shall be guilty of a violation thereof. The unit for separate and distinct offense in violation of this act shall be each and every article of bedding made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with an intent to sell, offer for sale, deliver, or consign, contrary to the provisions hereof.

SEC. 9. That any person who violates any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment in the discretion of the court pronouncing sentence.

Mattresses and Mattress Materials—Approved Methods for the Disinfection and Sterilization of. (Reg. Bd. of H., June 9, 1923)

FIRST METHOD—APPLICATION OF STEAM PRESSURE

Loose mattress materials or made-up mattresses shall be subjected to treatment by steam under a pressure of 15 pounds maintained for thirty minutes or a pressure of 20 pounds maintained for twenty minutes.

A gauge for registering steam pressure visible from the outside of the room shall be provided where steam under pressure is used. Room for disinfection shall be steamtight.

Alternative to first method—Application of streaming steam.—Two applications of streaming steam maintained for a period of one hour each to be applied at intervals of not less than six or more than twenty-four hours will be accepted as an alternate for steam under pressure for disinfection of mattress materials and made-up mattresses. Valved outlets shall be provided near the bottom and also the top of the room in cases where streaming steam is employed.

SECOND METHOD—FORMALDEHYDE AND SULPHUR TREATMENT

Mattress materials are to be treated with formaldehyde and sulphur concurrently in a moist atmosphere for a period of at least ten hours. Formaldehyde gas shall be generated from the use of 1 pint of formaldehyde solution 37 per cent to each cubic 1,000 feet of air space or through the use of any of the high-class commercial fumigators which generate an equivalent quantity of gas. Sulphur shall be from the burning of 3 pounds of sulphur for each 1,000 cubic feet of air space. The moist atmosphere shall be produced by thorough sprinkling of the floor of the room with warm water just prior to undertaking disinfection. Room for disinfection shall be made gas-tight during process of sterilization.

The room shall be provided with a separate air inlet and also an exhaust ventilator leading to the open air to allow for the escape of gases after the process is complete. Both inlet and exhaust connection shall be equipped with tight dampers or closure gates which can be operated from the outside of the room. This process is not approved for use in sterilizing a completed mattress.

Shelving for loose mattress materials shall be of lattice or other open construction. Solid shelves of a type to prevent passage of gas through the materials on the shelves shall not be permitted.

Tourists' Camps—Sanitary Inspection and Requirements. (Reg. Bd. of H., Feb., 1923)

RULE XLII $\frac{1}{2}$ —*Resolved*, That in the interests of the public health, and in accordance with the authority conferred upon the State board of health under section 10126, Revised Statutes of 1915, each local health officer is required as a part of his official duties to semiannually make a sanitary inspection of the tourists' camps within his jurisdiction, making such recommendations to the municipal or county authorities within whose jurisdiction the tourist camp is located, as seems to be necessary to conduct the camp in a sanitary manner, to the end that the public health may be safeguarded and communicable diseases may not be disseminated.

The rules and regulations in relation to the sanitary conduct of tourists' camps should be required to be completely and fully observed.

A report of tourist-camp inspection must be made to the State board of health within ten days after the completion of such inspection.

It is recommended that inspections be made in May and August of each year.

Tourist camp sanitation.—1. All camps shall be in charge of an attendant whose duty it shall be to keep the camp in a sanitary condition at all times.

2. All camp sites shall be well drained.

3. An adequate supply of potable drinking water shall be provided on all camp grounds. Water from wells other than a public supply shall not be used until it has been approved by the State board of health.

4. Modern flush toilets shall be provided where sewer connections are possible.

5. Where sewer connection are not possible, sanitary fly-proof privies, approved by the State board of health, shall be provided.

6. All garbage and refuse shall be stored in metal cans with tight covers and shall be removed from the premises and disposed of daily.

7. Garbage and refuse shall be disposed of by incineration or burial.

8. Those in charge of camps shall make and placard such rules and regulations as are necessary to govern the use of the camp and keep it in a sanitary condition.

9. Inspections of tourists' camps shall be made under the direction of the State board of health as often as practicable and a report of findings made to those in charge. If the recommendations are not carried out and the camp is found in an insanitary condition upon a second inspection, the camp will be declared a nuisance to public health and ordered closed, and shall not be reopened until such time as the recommendations have been carried out.

LOUISIANA

State Sanitary Code. (Reg. Bd. of H., May 22, 1923)

[The Louisiana State board of health on May 22, 1923, adopted regulations constituting the State sanitary code. The 511 articles (sections) of the code are grouped under 28 chapter headings, each chapter relating to a specified subject or subjects. Because of its length, the code is not reproduced here, but the following will indicate the matters dealt with by the code: Communicable diseases, institutions, animals, water supplies, plumbing, sewage, garbage and refuse, mosquitoes, hotels, food establishments, barber shops, swimming pools, common carriers, milk, meat, eggs, drugs and medicines, dead bodies, weights and measures, oil inspection, and certain miscellaneous subjects.]

MAINE

Venereal Diseases in Inmates of Charitable and Correctional Institutions and in Certain Dependent Children—Reports of—Treatment—Isolation. (Ch. 61, Act Mar. 19, 1923)

Section 129 of chapter 301¹ of the Public Laws of 1917 is hereby amended by striking out all of said section following the word "observed" in the twelfth line thereof, so that said section, as amended, shall read as follows:

"SEC. 129. Any inmate of any State, county, or municipal charitable or correctional institution, or any dependent child supported or partially supported by public funds, afflicted or suspected of being afflicted with venereal disease shall forthwith be placed under medical treatment, and if in the opinion of the attending physician it is necessary shall be isolated until danger of contagion is passed. Such case shall be immediately reported to the State board of health in accordance with the latter's rules and regulations: *Provided*, That such rules and regulations shall not require information disclosing the identity of any dependent or delinquent child, and the rules and regulations of the State board of health for the examination, testing, and treatment of cases of venereal disease shall be faithfully observed."

Public Health Council—Appointment, Meetings, Powers, and Duties. (Ch. 221, Act Apr. 6, 1923)

Section 4 of chapter 197² of the Public Laws of 1917, as amended by chapter 172³ of the Public Laws of 1919, is hereby amended by striking out all of said section and substituting therefor the following:

"SEC. 4. The public health council shall consist of a commissioner of health and five other members, hereinafter called the appointive members, two of whom shall be physicians and one a dentist, all of whom shall be appointed by the governor, with the advice and consent of the council. As soon as this amendment shall become a law the governor, with the advice and consent of the council, shall appoint a dentist as a member of said board to hold office until the 1st day of May, 1928, and in case he has not made an appointment under section 4 of chapter 197, of the Public Laws of 1917, to fill the vacancy on said board which will occur May 1st, 1923, he shall make another appointment to said board for a term expiring May 1st, 1927, and thereafter all appointment[s] to said board, except to fill vacancies, shall be for the term of five years from the 1st day of May of the year of their appointment. Vacancies shall be filled by appointment of the governor, with the advice and consent of the council, for the unexpired term. The public health council shall meet at least once in each month and at such other times as they shall determine by their rules, or upon the request of any three members, or upon request of the commissioner of health. It shall be the duty of the public health council to make and promulgate rules and regulations in furtherance of the public health law; to consider plans and appointments required by law; to submit annually to the legislature, through the governor, a report, including recommendations as to needed health legislation; and to discharge other duties required by law, but it shall have no administrative or executive functions."

State Department of Health—Annual Appropriations. (Ch. 217, Act Apr. 5, 1923)

SECTION 1. Section 8 of chapter 197 of the Public Laws of 1917 as amended by chapter 172 of the Public Laws of 1919 as amended by chapter 162 of the Public Laws of 1921, is hereby further amended by striking out the word "forty-six" in the second line thereof and substituting therefor the word "fifty-three," so that said section 8, as amended, shall read as follows:

¹Supplement 37 to Public Health Reports, p. 193.

²Id., p. 195.

³Supplement 42 to Public Health Reports, p. 330.

"SEC. 8. The sum of \$53,000 shall be annually appropriated for the purposes set forth in sections 1 to 6; inclusive, and section 7 of this act."

SEC. 2. Section 2 of chapter 172 of the Public Laws of 1919 enacting section 16 as an additional section to chapter 197 of the Public Laws of 1917, as amended by chapter 162 of the Public Laws of 1921, is hereby amended by striking out the word "thirty-five" in the first line of said section 16, and substituting therefor the word "thirty-eight," omitting the word "and" in the third line between the words "twelve and thirteen" and adding after the word "thirteen" in the third line the words, "and fourteen," so that said section 16, as amended shall read as follows:

"SEC. 16. The sum of \$38,000 shall be appropriated annually to the State department of health for the purpose of carrying out the provisions of sections 6, 10, 11, 12, 13, and 14."

SEC. 3. Chapter 19 of the revised statutes, as amended by chapter 301 of the Public Laws of 1917, and as further amended by chapter 172 of the Public Laws of 1919, as further amended by chapter 162 of the Public Laws of 1921, is further amended by striking out the word "ten" in the third line of section 131 and substituting therefor the word "fourteen," so that said section 131, as amended, shall read as follows:

"Sec. 131. For the purpose of enabling the State board of health to carry out the provisions of this act there is hereby appropriated the sum of \$14,000."

Local Health Officers—Employment Required—Appointment, Duties, and Compensation—State Aid With Regard to Compensation of, under Certain Circumstances. Local Health Employees—Fixing and Audit of Salaries, Fees, etc., of. (Ch. 116, Act Mar. 30, 1923)

Section 10 of chapter 172 of the Public Laws of 1919, is hereby amended, by inserting after the word "health" in the eighth line the words "and shall be one of the three members of which the board consists," and by inserting after the word "health" in the ninth line, the words "The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of this section, and shall fix and audit all salaries, fees, and charges of persons employed by the local board of health in the execution of the health laws, the local ordinances and of the rules and regulations of the State department of health," and by inserting after the last word "to" in next to the last line of said section the words "the city, town, or organized plantation by which," and by adding after the word "officer" in the last line of said section, the words "is employed," so that said section, as amended, shall read as follows:

"SEC. 10. Every city, town, and organized plantation shall employ an official who shall be known as the local health officer and who shall be appointed by the officers of the municipality, subject to the approval of the State commissioner of health. Upon the failure to fill said office as hereinbefore stated within thirty days after a vacancy occurs therein the State commissioner of health may appoint said official. The local health officer shall be ex officio a member and the executive officer of the local board of health, and shall be one of the three members of which the board consists, or at the option of the municipal officers, may take the place of the local board of health. The municipal officers shall fix and the town pay the salary or other compensation of the local health officer who shall be appointed under the provisions of this section, and shall fix and audit all salaries, fees, and charges of persons employed by the local board of health in the execution of the health laws, of the local ordinances and of the rules and regulations of the State department of health. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section 6 hereof, or is approved by the State health commissioner on the basis of experience in public health administration, the State department of health is authorized and directed to pay from money appropriated to said department of health for said purpose one-third of the total salary of said official, not to exceed \$800 a year, payment to be made directly by the State to the city, town, or organized plantation by which said local health officer is employed."

Local Health Officers—Appointment, Duties, and Compensation. Local Health Employees—Regulation and Audit of Fees of. (Ch. 194, Act Apr. 4, 1923)

Section 43 of chapter 19 of the revised statutes, is hereby amended by striking out, in the third line of said section, the words "well-educated physician" and inserting in place thereof, the words "a resident of the town," so that [said] section, as amended, shall read as follows:

"SEC. 43. The municipal officers may appoint a health officer, who shall be a resident of the town, who shall be the sanitary adviser and executive officer of the board, and who shall hold office during the pleasure of the board. The municipal officers shall establish his salary, or other compensation, and shall regulate and audit all fees and charges of persons employed by each board of health, in the execution of the health laws and of their regulations."

Health Inspector or Health Officer—Penalty for Falsely Assuming to be. (Ch. 100, Act Mar. 28, 1923)

Section 25 of chapter 124 of the revised statutes is hereby amended by striking out the entire section and by inserting in place thereof the following:

"SEC. 25. Whoever falsely assumes to be a * * * health inspector or health officer, * * * and who acts as such or who requires anyone to aid him in a matter pertaining to the duties of such office, shall be punished by imprisonment for not more than one year or by a fine of not more than \$500, or by both fine and imprisonment."

Public Health Nurses—Registration—Qualifications. (Ch. 102, Act Mar. 28, 1923)

Section 3. Chapter 18 of the revised statutes as amended by chapter 148 of the Public Laws of 1917 is further amended by adding thereto the following section:

"Within a year of the passage of this act every nurse employed in any form of public health nursing, not already registered, as provided in section 19 hereof, shall become registered in accordance with the provisions of this act, and her failure so to do shall terminate her said employment. No nurse shall be employed in any form of public health nursing until her qualifications for such work shall have been approved and certified by a committee composed of three registered nurses; one representing the State board of examiners for the board of nurses; one representing the public health nursing section of the Maine State Nurses' Association, and one the division of public health nursing of the State department of health, the members of said committee to be duly chosen by their several organizations. Public health nursing within the meaning of this section shall be deemed to include nursing done by any graduate nurse in any form of social work in which the health of the public is concerned, and in which her training as a nurse comes into play and is recognized as a valuable part of her equipment."

Receptacles Used in Transportation of Milk, Cream, Ice Cream, Sherbet, and Frozen Milk Products—Required to be Cleaned before Being Forwarded to Producer or Distributor. (Ch. 189, Act Apr. 4, 1923)

Section 19 of chapter 37 of the revised statutes is hereby amended by inserting after the word "use" in the third line the following: "All cans or other receptacles, used in the transportation of ice cream, sherbet, or frozen milk products, shall be washed and cleansed with warm or cold water immediately upon the contents thereof being used, and before being returned and forwarded to the producer or distributor of such ice cream, sherbet, or frozen milk products for use," so that said section as amended shall read as follows:

"SEC. 19. All cans or other receptacles used in the transportation of milk or cream shall be cleansed and sterilized before being forwarded to the producer or distributor of milk or cream for use. All cans or other receptacles used in the transportation of ice cream, sherbet, or frozen milk products shall be washed and cleansed with warm or cold water immediately upon the contents thereof being used, and before being returned and forwarded to the producer or distributor of

such ice cream, sherbet, or frozen milk products for use. Whoever by himself, clerk, servant, or agent, ships or transports or causes to be shipped or transported any cans or other receptacles used in the transportation of milk or cream not cleansed and sterilized, or any any cans or other receptacles used in the transportation of ice cream, sherbet, or frozen milk not washed or cleansed as provided in this section shall be punished by a fine not exceeding \$50 for each offense."

Vinegar—Definitions—When Deemed Adulterated or Misbranded. (Ch. 172, Act Apr. 3, 1923)

SECTION 1. No person shall, within this State, manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation, any product known as vinegar which is adulterated or misbranded within the meaning of this act.

SEC. 2. The terms "cider vinegar," "apple vinegar" shall be construed to mean the product made exclusively from the expressed juice of clean whole apples by alcoholic and subsequent acetous fermentations, the acidity, solids, and ash of which have been derived exclusively from the apples from which it was fermented.

The term "sugar vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, sirup, molasses, or refiner's sirup.

The term "malt vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of an infusion of barley malt.

The terms "wine vinegar" and "grape vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes.

The term "glucose vinegar" shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of solutions of corn sugar or glucose.

The terms "spirit vinegar," "distilled vinegar," "grain vinegar" shall be construed to mean the product made by the acetous fermentations of dilute distilled alcohol.

SEC. 3. For the purpose of this act vinegar shall be deemed to be adulterated—

First. If it contains any drugs, acids, coloring matter, or ingredients not derived exclusively from the substances from which they were respectively made.

Second. If it contains less than 4 grams of acetic acid in 100 cubic centimeters of the vinegar at 70° Fahrenheit.

Third. If manufactured by the destructive distillation of wood known as pyroligneous acid, or acetic acid derived from other sources than fruit, grain, vegetables, sugar, or sirup.

Fourth. If it is found to contain any preparation of lead, copper, sulphur dioxide, sulphuric acid, other mineral acids, or any substitute for vinegar produced other than by alcoholic and subsequent acetous fermentation or other ingredients injurious to health.

SEC. 4. For the purpose of this act vinegar shall be deemed to be misbranded—

First. If packages containing vinegar made from wine or fruits which have been reduced with water are not plainly marked or branded "Reduced to 4 per centum acid strength" or "Reduced to 40 grains," indicating the acidity to which it has been so reduced.

Second: If a product made from dried apples, or from apple skins, apple cores, and chops by the process of grinding and soaking with subsequent alcoholic and acetous fermentations of the solution thus obtained is not plainly marked to show the material from which it is produced.

Third. If the package containing said vinegar or its label is not plainly branded with the name of the manufacturer or distributor and his place of business.

Fourth. If every container or receptacle which contains any vinegar other than pure cider or apple vinegar, except delivered to the purchaser in the unbroken package, does not bear plain or conspicuous marks or brands showing the kind of vinegar so delivered and the substance or substances from which it was made.

Fifth. If mixtures of two or more of the vinegars above defined are not plainly and conspicuously branded with the word "compound" together with the proportions of the vinegars so mixed.

SEC. 5. Any person who adulterates or misbrands, within the meaning of this act, any vinegar, or any person who manufactures, sells, distributes, transports, offers, or exposes for sale, distribution, or transportation any vinegar in violation of any of the provisions of this act shall be punished by a fine not exceeding \$100

for the first offense, and by a fine not exceeding \$200 for each subsequent offense.

SEC. 6. The provisions of this act shall not apply to railroad companies, steamboat companies, express companies, or other common carriers of property coming under the jurisdiction of the Interstate Commerce Commission or the public utilities commission of the State of Maine, unless they knowingly violate it.

Bovine Animals—Importation. (Ch. 48, Act Mar. 14, 1923)

Section 18 of chapter 35 of the Revised Statutes as amended by chapter 235 of the Public Laws of 1917 is hereby amended by striking out all of said section after the words "the shipment" in the sixth line thereof, and substituting in place thereof the following: "Such animals may be tested with tuberculin within sixty days of their arrival within the State whenever such test is deemed necessary by the commissioner of agriculture or his duly authorized agent in charge of livestock sanitary work, and whenever such animal or animals are so held for a retest they shall be considered as being in quarantine upon the premises of the owner. All persons bringing animals into the State must conform to the regulations of the United States Department of Agriculture requiring that such animals be tuberculin tested within a reasonable time prior to shipment, such test being administered by an inspector of the United States Department of Agriculture, or by a veterinary authorized by said United States Department of Agriculture, to test for interstate shipment, and a copy of the tuberculin test chart of such test must also accompany the animal or animals so tested, whether brought into the State by steamship, railroad, truck, or any other conveyance, or driven on foot. This ruling shall not, however, apply to calves under 1 year of age from a fully accredited herd, nor to cattle designed for immediate slaughter, but the latter must be slaughtered within ten days after being brought into the State under inspection that shall be acceptable to the commissioner of agriculture or his duly authorized agent in charge of the livestock sanitary work. Whoever violates any provision of this section shall be punished as provided in section 17," so that said section, as amended, shall read as follows:

"SEC. 18. No neat stock (calves, cows, steers, oxen, or bulls) or stags of any age shall be allowed to enter this State from any other State or country, either for dairying purposes, breeding purposes, or for slaughter, except cattle in transit under the control of the Federal Government, without a permit duly authorized by the livestock sanitary commissioner, which permit shall accompany the shipment. Such animals may be tested with tuberculin within sixty days of their arrival within the State whenever such test is deemed necessary by the commissioner of agriculture or his duly authorized agent in charge of the livestock sanitary work, and whenever such animal or animals are so held for a retest they shall be considered as being in quarantine upon the premises of the owner. All persons bringing animals into the State must conform to the regulations of the United States Department of Agriculture requiring that such animals be tuberculin tested within a reasonable time prior to shipment, such test being administered by an inspector of the United States Department of Agriculture or by a veterinary authorized by said United States Department of Agriculture to test for interstate shipment, and a copy of the tuberculin test chart of such test must also accompany the animal or animals so tested, whether brought into the State by steamship, railroad, truck, or any other conveyance, or driven on foot. This ruling shall not, however, apply to calves under 1 year of age from a fully accredited herd or to cattle designed for immediate slaughter, but the latter must be slaughtered within ten days after being brought into the State under inspection that shall be acceptable to the commissioner of agriculture or his duly authorized agent in charge of the livestock sanitary work. Whoever violates any provision of this section shall be punished as provided in section 17."

Schools—Toilet Facilities at. (Ch. 169, Act Apr. 4, 1923)

SECTION 1. Paragraph 1 of section 2 of chapter 33 of the Public Laws of 1921 is hereby amended by inserting before the word "On" in the first line the following: "It shall be the duty of all towns to complete a portion of the improvements hereinafter mentioned each year, so that," and by striking out the words "twenty-four" in the second line and inserting in place thereof the words "twenty-seven," so that said paragraph, as amended, shall read as follows:

"SEC. 2. It shall be the duty of all towns to complete a portion of the improvements hereinafter mentioned each year, so that on and after the 1st day of September, 1927, all school buildings or buildings used for school purposes shall be provided with toilet facilities that shall be installed in such manner and location as to insure privacy, cleanliness, and supervision by teachers and that shall meet at least one of the following minimum requirements."

SEC. 2. Section 2 is hereby further amended by adding to paragraph (C) the following: "*Provided*, That when conditions make it necessary the above specifications may be modified by written agreement of the State commissioner of education and the superintending school committee," so that said paragraph, as amended, shall read as follows:

"(C) Privies located in attached buildings provided with separate compartments for the sexes, accessible only by separate ventilated passageways from schoolrooms or corridors and constructed in such a manner that the vault of said privy shall be at least 10 feet from the nearest schoolroom wall and adjacent to the outside wall of the building in which said privy is located: *Provided*, That when conditions make it necessary the above specifications may be modified by written agreement of the State commissioner of education and the superintending school committee."

Subregistrars of Vital Statistics—Appointment, Powers, and Duties. (Ch. 139, Act Mar. 31, 1923)

Section 30 of chapter 64 of the Revised Statutes is hereby amended by inserting after the word "two" in the first line of said section the words "or more" and by inserting after the word "permits" in the third line of said section the words "and permits for transportation of dead human bodies," so that said section, as amended, shall read as follows:

"SEC. 30. The town or city clerk may appoint two or more suitable and proper persons, in each town or city, as subregistrars, who shall be authorized to issue burial permits and permits for transportation of dead human bodies, based upon a death certificate, as hereinbefore provided, in the same manner as is required of the town or city clerk; and the said death certificate upon which the permit is issued shall be forwarded to the town clerk within six days after receiving the same, and all permits by whomsoever issued shall be returned to the town clerk as required by section 29. The appointment of subregistrars shall be made with reference to locality so as to best suit the convenience of the inhabitants of the town, and such appointment shall be in writing and recorded in the office of the town or city clerk; the subregistrars in any town shall hold office at the pleasure of the town clerk."

MASSACHUSETTS

County Tuberculosis Hospitals—Borrowing of Money by Counties to Provide Funds to Meet the Expenses of. (Ch. 113, Act Mar. 13, 1923)

SECTION 1. Chapter 111 of the General Laws, as amended in section 82 by section 1 of chapter 393 of the Acts of 1922, is hereby further amended by striking out said section 82 and inserting in place thereof the following:

"SEC. 82. County commissioners shall, in carrying out sections 78 to 90, inclusive, raise and expend such sums of money for acquiring land and constructing and equipping hospitals, and for the purchase, alteration, and enlargement of existing buildings, and for all other purposes, except for care, maintenance, and repair as provided in section 85 A, as may be authorized by the general court. They may borrow, on the credit of the county, when so authorized by the general court, the said sums, and issue notes of the county therefor, with such interest as may be fixed under section 39 of chapter 35, payable semiannually, or without interest, in which case they may sell such notes at such discount as they deem proper. The notes shall be signed by the county treasurer and countersigned by the county commissioners. The county may sell the said securities, at public or private sale, on terms and conditions deemed proper, but the proceeds shall be used only for the purposes for which such securities are issued. Said notes may be renewed from time to time without specific authorization from the general court until all the towns liable have paid to the county treasurer the amounts assessed under section 83. Any amount of interest paid or due on said notes and renewals thereof may be similarly borrowed. All reimbursement from towns under said section 83 shall be applied to the payment of temporary debt incurred under this section."

SEC. 2. Section 85 of said chapter 111 is hereby amended by inserting after the word "thereof" in the third line the words: "including interest paid or due on temporary notes issued therefor," so as to read as follows:

"SEC. 85. The county shall provide for the care, maintenance, and repair of said hospital. The county commissioners shall annually in January apportion the cost thereof, including interest paid or due on temporary notes issued therefor, for the previous year to the towns liable, in the same proportion in which the cost of the construction was assessed, and shall issue their warrant against the towns for the amount or percentage for which they are severally assessed to pay for the maintenance, care, and repair of said hospital. The county may, thirty days after a written demand for payment, recover in contract against any town liable to pay any part of the cost of construction, maintenance, or repair of said hospital the amount for which it may be liable. County commissioners of counties whose patients are cared for by contract under section 79 may raise and expend the sums necessary to carry out the provisions thereof, and may borrow the same on the credit of the county, and issue therefor notes of the county, payable, in not more than eighteen months from their respective dates of issue, from the reimbursements received from the said towns. They shall annually in January determine the total amount already expended by or due from the county under such contracts during the previous year, and shall apportion the same to and may collect the same from the several towns liable, in like manner as the cost of construction and equipment of hospitals is apportioned under section 83, and the same shall be applied to the payment of the temporary debt incurred by said counties."

SEC. 3. Said chapter 111 is hereby further amended by inserting after section 85 the following new section:

"SEC. 85 A. To provide such funds as may be necessary to meet the cost of the care, maintenance, and repair of a county tuberculosis hospital in compliance with section 85, the county commissioners may in any year borrow money on the credit of the county by temporary loans without specific authorization by the general court, and for such purposes the county treasurer may, with the approval of the county commissioners, issue notes of the county therefor, matur-

ing in not more than twelve months from their dates, and may from time to time renew the same, until all the towns liable to assessment under said section 85 have paid to the county treasurer the sums so assessed against them for the aforesaid cost for said year. Receipts of said hospital shall be paid to the county treasurer at such times as the county commissioners may determine, and the proceeds of said loans shall be paid over to the treasurer of said hospital as directed by the county commissioners. Receipts of said hospital for said year and payments to the county of the assessments made under section 85 to meet the aforesaid cost for said year shall be applied to the payment of such temporary loans."

Medical Milk Commissions—Incorporation—Production of Milk under Supervision of. (Ch. 252, Act Apr. 10, 1923)

SECTION. 1. Section 20 of chapter 180 of the General Laws is hereby amended by adding at the end thereof the words: "At least one member of said board of health shall be a member of the board of directors thereof," so as to read as follows:

"SEC. 20. For the purpose of supervising the production of milk, any five or more registered physicians may form a corporation under this chapter. The members of the board of health of any town where such corporation is formed shall be ex officio members of the corporation. At least one member of said board of health shall be a member of the board of directors thereof."

SEC. 2. Section 23 of said chapter 180 is hereby amended by inserting after the word "however" in the fourth line the words: "shall be approved by the department of public health and," so as to read as follows:

"SEC. 23. Every such corporation may enter into written agreements with any dairymen for the production of milk under the supervision of such corporation and prescribe in such agreements the conditions under which such milk shall be produced, which, however, shall be approved by the department of public health and shall not fall below the standards of purity and quality for certified milk as fixed by the American Association of Medical Milk Commissions and the standards for milk fixed by law."

Certified Milk—Approval of Contracts for the Production and Distribution of—Sanitary Requirements Governing the Production, Handling, and Sale of. (Reg. Dept. of Public H., Sept. 18, 1923)

1. Certified milk produced or distributed in the Commonwealth of Massachusetts under any contract between a Medical Milk Commission of Massachusetts and any producer or distributor shall be produced under and only under and according to these requirements and to the methods and standards for the production of certified milk adopted by the American Association of Medical Milk Commissions, June 25 and June 26, 1923, and to all the provisions of the statutes of Massachusetts and the regulations of the local boards of health.

2. No contract for the certification of milk shall be valid unless and until it is approved by the department of public health.

3. Each person applying for a contract to produce certified milk shall file with his application for such contract satisfactory evidence that he possesses a permit issued under the provisions of General Laws, chapter 94, section 43.

4. The owner or lessee of the farm upon which certified milk is to be produced shall in each case be a party to the contract under which the milk is to be sold as certified.

5. No contract of certification shall be effective unless and until the farm shall have been personally inspected by at least two members of the commission making such a contract of certification.

6. All contracts for the production of certified milk shall be subject at any time and without notice to revocation, or suspension by the Medical Milk Commission making the same, or by any three officers or members thereof, or by the department of public health, or the commissioner of public health of the Commonwealth, and in any of said cases with or without cause and with or without assignment of reasons therefor, and no producer or distributor shall, after the revocation or termination of any contract, use in connection with the delivery of milk in the vicinity in which the certified milk has been distributed, any bottle, cap, label, or advertisement bearing the label "Certified milk," "Inspected milk," "Medical milk commission," or any other words purporting or tending to indicate that said milk is inspected, certified, indorsed, or approved by any corporation or commission, within a period of one year from the date of such termination or revocation, except with the written approval of the commission under

whose jurisdiction such milk has been approved and the department of public health.

7. The producer shall conform at all times with all requirements which may be made from time to time by the medical milk commission certifying the product or by the department of public health.

8. Each contract shall specify the particular farm or farms upon which certified milk may be produced, and the territory to be covered by the public distributors therefrom, which territory shall be only that in the vicinity of the place in which the commission making such contract is established, except that producers may distribute by special orders and in special cases certified milk in other territories.

9. No herd shall be used for the production of certified milk unless such herd is either a duly accredited tuberculosis free herd or in the process of becoming accredited under Federal and State supervision.

10. The producer shall employ in connection with the production of certified milk, and in the dairy, only neat employees in good health and shall notify such commission promptly of any changes of employees, and further shall cause each employee, immediately before engaging in work in said dairy connected with the production of certified milk, to submit to such physical, blood, and other tests, including the Wassermann and Widal tests, so-called, and satisfactory laboratory and physical tests for typhoid and other diseases, as may be required by the commission; to be made by a physician satisfactory to the commission, in such manner and to such extent, and who shall report to the commission, in such form and under such conditions as shall be satisfactory to said commission, and further, shall cause all employees and their families to be examined when required by the commission.

11. Certified milk shall be bottled and sealed upon the farm where it is produced. Each bottle shall be sealed with caps bearing the name of the producer, the name of the commission certifying the milk, and the words "Certified milk," and the word "Milked," and the day of the week, as Sunday, Monday, etc., on which the milk was milked, and the words "To be sold," and the day of the week, as Monday or Tuesday etc., designating the latest day upon which the milk may be sold, which must be within forty-eight hours of the day of milking.

12. None of the said caps shall be used in any manner or for any purpose other than for sealing in a manner satisfactory to the commission certifying the milk. No caps shall be used except during such time as the contract remains in force, and if the contract is revoked or otherwise terminated all unused caps shall be delivered to the commission.

13. In all warm or moderately warm weather certified milk shall be kept, until delivered to the consumer, packed in cracked ice and at all times shall be delivered from neat and clean wagons or trucks, and shall be kept at a low temperature from the time of bottling until delivery.

14. These requirements shall apply to all contracts for the production or distribution of certified milk, but shall not apply to contracts for the production of inspected milk under which efforts may be made to produce clean milk under conditions which shall so far as practical conform to the principal and most important requirements for certified milk.

15. All contracts to be approved by the department of public health and, as a condition for such approval, shall contain in substance a provision as follows:

It is mutually agreed, anything to the contrary hereinbefore or hereinafter contained notwithstanding, that all certified milk shall be produced and distributed subject to, and in all respects according to, the requirements of the department of public health for approval of contracts for the production and distribution of certified milk, adopted September 18, 1923, which requirements are expressly made a part of this contract.

No such requirements may be waived by any medical milk commission or producer without the written approval of the department of public health.

Filled Milk or Cream—Manufacture or Sale Prohibited. (Ch. 170, Act Mar. 23, 1923)

Chapter 94 of the General Laws is hereby amended by inserting after section 17 the following new section:

"Sec. 17 A. No person himself or by his servant or agent shall, for the purposes of sale or exchange, add any fat or oil other than milk fat to, or blend or compound the same with, any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried or desiccated, nor shall any

person himself or by his servant or agent sell, exchange, or deliver, or have in possession with intent to sell, exchange or deliver, or expose or offer for sale or exchange, any milk, cream or skimmed milk in any of the aforesaid forms to which has been added or with which has been blended or compounded any fat or oil other than milk fat. Whoever violates any provision of this section shall be punished by the penalties prescribed by section 24."

Imitation Butter and Cheese—Advertising and Sale. (Ch. 84, Act Mar. 2, 1923)

Section 51 of chapter 94 of the General Laws is hereby amended by inserting after the word "cattle" in the twelfth line the words "or whoever uses in any way in connection or association with an advertisement of margarine, oleomargarine, or of any substance designed to be used as a substitute for butter, the name or representation of any dairy animal or breed of dairy cattle, or, with intent to deceive uses in any way in such connection or association the word 'butter', 'creamery' or 'dairy,' or any other words or symbols commonly used only in advertisements of butter," so as to read as follows:

"SEC. 51. Whoever sells, exposes for sale or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of butter or cheese or as a substitute therefor, except as provided in the two preceding sections, and whoever with intent to deceive defaces, erases, cancels, or removes any mark, stamp, brand, label, or wrapper provided for in said sections, or in any manner falsely labels, stamps, or marks any box, tub, article, or package marked, stamped or labeled as provided in said sections, or whoever himself or by his agent sells, exposes for sale, or has in his possession with intent to sell, oleomargarine, contained in any box, tub, article, or package marked or labeled with the word 'Dairy,' or the word 'Creamery,' or the name of any breed of dairy cattle, or whoever uses in any way in connection or association with an advertisement of margarine, oleomargarine or of any substance designed to be used as a substitute for butter, the name or representation of any dairy animal or breed of dairy cattle, or, with intent to deceive, uses in any way in such connection or association the word 'butter,' 'creamery,' or 'dairy,' or any other words or symbols commonly used only in advertisements of butter, shall for the first offense forfeit \$100, and for each subsequent offense \$200, to the use of the town where the offense was committed."

Food—Definition of Adulteration of, Enlarged. (Ch. 166, Act Mar. 23, 1923)

Section 186 of chapter 94 of the General Laws is hereby amended by adding at the end thereof the following new clause:

"Seventh. If the carcass or parts of the carcass of any animal shall be inflated with gas or air."

Sausage or Sausage Meat—When Deemed Adulterated. Vegetable Sausages—Sale. (Ch. 425, Act May 19, 1923)

SECTION 1. Section 142 of chapter 94 of the General Laws is hereby amended by inserting after the word "cent" in the fourth line the words: "except as authorized by section 143 A," so as to read as follows:

"SEC. 142. For the purposes of this and the following section, sausage or sausage meat shall be deemed to be adulterated:

"First. If it contains any cereal or vegetable flour or any product thereof in excess of 2 per cent, except as authorized by section 143 A;

"Second. If it contains any coloring matter, or any substance injurious or deleterious to health;

"Third. If it contains water in excess of an amount sufficient to make the product palatable and to facilitate mixing and placing in casings;

"Fourth. If it contains, except as casing, the organs of the thoracic and abdominal cavities or any part thereof, except hearts, tripe and liver;

"Fifth. If it contains any diseased, contaminated, filthy, or decomposed substance; or if it is manufactured, in whole or in part from, or contains a substance produced, stored, transported or kept in a way or manner that would render the article diseased, contaminated or unwholesome; or if it is the product of a diseased animal or the product of any animal which has died otherwise than by slaughter."

SEC. 2. Said chapter 94 is hereby further amended by inserting after section 143 the following new section:

"SEC. 143 A. Nothing in this chapter shall prevent the sale or the offering or exposing for sale of vegetable sausages as such, if such sausages contain not less than 20 per cent of vegetables or vegetable products and are otherwise made in conformity with the provisions of this chapter: *Provided*, That such sausages are sold, offered or exposed for sale under their own distinctive name."

Bedding—Manufacture, Remaking, Renovating, Labeling, and Sale. (Ch. 226, Act Apr. 7, 1923)

SECTION 1. Chapter 94 of the General Laws is hereby amended by striking out section 270 and inserting in place thereof the following:

"SEC. 270. No person shall manufacture for purposes of sale, sell, offer, or expose for sale, or have in possession with intent to sell, any mattress, pillow, cushion, muff bed, quilt, or similar article having a filling of hair, down, feathers, wool, cotton, kapok, or other material, unless there is plainly marked upon each such article, or upon a tag of some durable substance sewed thereon, or otherwise securely attached thereto, a statement of the kind of material used for filling in the manufacture of such article, the name of the manufacturer or vendor, and, also, if the material has previously been used, the words 'second hand' and, unless, if any such article is inclosed in a bale, box, crate, or other receptacle, there shall be plainly marked upon such receptacle, or upon a durable tag securely attached thereto, a statement that the contents of the package are marked as herein required. Whoever renovates or remakes any mattress shall attach a tag thereto bearing the word 'remade' and a statement of the kind of material used for filling. Possession of any mattress, pillow, cushion, muff bed, quilt, or similar article, not marked as provided herein, by any person engaged in the business of manufacturing, selling, or offering for sale any such article, shall be prima facie evidence that such article is being manufactured, remade or renovated, or is offered or exposed for sale, in violation of the provisions of this section."

SEC. 2. Section 271 of said chapter 94 is hereby amended by inserting after the word "sale" in the fourth line the words "or for use in the remaking or renovating of any such article," so as to read as follows:

"SEC. 271. No person shall use, in the manufacture of any mattress, pillow, cushion, muff bed, quilt, or similar article for purposes of sale, or sell or offer or expose for sale, or have in possession for the purpose of such use or for sale or for use in the remaking or renovating of any such article, any material which has previously been used in or about a hospital, or on or about the person of anyone having an infectious or contagious disease, nor shall any person sell, or offer or expose for sale, any such article containing materials which have previously been so used."

SEC. 3. Section 272 of said chapter 94 is hereby amended by striking out in the second line the words "silk floss" and inserting in place thereof the word "kapok," and by striking out the second sentence and inserting in place thereof the following: "No person engaged in the business of selling any such materials shall ship any box, crate, package or other container in which is placed any such hair or other material above specified unless there is attached thereto a tag containing a statement of the contents of the package together with the name of the vendor, and if the material has been used before, with the words 'second-hand,' so as to read as follows:

"SEC. 272. No person shall sell or offer for sale any secondhand hair, down, feathers, wool, cotton, kapok, or other materials commonly used for filling mattresses, pillows, cushions, muff beds, quilts, or other similar articles, representing the same to be new material. No person engaged in the business of selling any such materials shall ship any box, crate, package, or other container in which is placed any such hair or other material above specified unless there is attached thereto a tag containing a statement of the contents of the package, together with the name of the vendor and if the material has been used before, with the words 'secondhand.' Violation of any provision of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or both."

SEC. 4. Said chapter 94 is hereby further amended by striking out section 273 and inserting in place thereof the following:

"SEC. 273. The department of public health, whenever there is reason to believe that any provision of sections 270 to 277, inclusive, is being violated in any fac-

tory, shop, warehouse, store, or other place, shall cause an investigation to be made of any such place, and for this purpose any member or duly authorized employee of the said department may enter such building or other place at all reasonable times. If, upon investigation, mattresses, pillows, cushions, muff beds, quilts, or similar articles, or materials for use in the manufacture, remaking or renovation of the same shall there be found which have been previously used in or about a hospital or on or about the person of anyone having an infectious or contagious disease, such materials or articles, whether manufactured, remade or renovated or in process of manufacture, remaking or renovation, shall be marked by the said department with labels bearing the word 'unclean' in conspicuous letters, and the said department, with or without notice to the owner or supposed owner, may order the removal and destruction of the said materials or articles or make such other order relating thereto as the circumstances of the case require. Whoever obstructs, hinders, or in any way interferes with any duly authorized employee of the department in the performance of his official duties under this and the following sections shall for the first offense be punished by a fine of not more than \$50 and for a subsequent offense by a fine of not more than \$100."

SEC. 5. Said chapter 94 is hereby amended by striking out section 277 and inserting in place thereof the following new section:

"SEC. 277. Whoever violates any provision of section 270 or 271 shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or both."

Plumbing and Drainage—Continuance of Investigation as to Advisability of Standardizing Municipal Ordinances and Regulations Relating to. (Ch. 6, Resolve Mar. 21, 1923)

Resolved, That the department of public health be authorized to continue the investigation, provided for by chapter 9¹ of the resolves of 1920 and further provided for by chapter 40 of the resolves of 1921 and chapter 19 of the resolves of 1922, relative to the advisability of revising and codifying the rules, regulations, and ordinances of the various cities and towns of the Commonwealth concerning plumbing, house drainage, and like subjects. Report thereon shall be made to the general court not later than the second Wednesday in January, 1924.

Local Plumbing Inspectors—Appointment, Qualifications, Compensation, and Duties. (Ch. 194, Act Mar. 29, 1923)

Section 11 of chapter 142 of the General Laws is hereby amended by inserting after the word "appointment" in the seventh line the following: "*Provided*, That any time spent in service in the Army, Navy, or Marine Corps of the United States in time of war or insurrection shall be deemed a part of the period of continuous practical experience so required," so as to read as follows:

"SEC. 11. The said inspector of buildings, if any, otherwise the board of health, of each city and town, shall, within three months after it becomes subject to sections 1 to 16, inclusive, appoint from the classified civil service list one or more inspectors of plumbing who shall be practical plumbers and shall have had practical experience either as master plumbers or journeymen, continuously, during five years next preceding their appointment: *Provided*, That any time spent in service in the Army, Navy, or Marine Corps of the United States in time of war or insurrection shall be deemed a part of the period of continuous practical experience so required. Such inspector of buildings or board may remove them for cause shown and shall, subject to approval of the city council or selectmen, fix their compensation which shall be paid by the city or town. Said inspectors of plumbing shall inspect all plumbing in process of construction, alteration or repair for which permits are granted within their respective cities and towns and shall report to their appointing power or board violations of any law, ordinance, by-law, rule, or regulation relative to plumbing; they shall perform such other appropriate duties as may be required. The approval of plumbing by any inspectors other than those provided for by this chapter shall not be a compliance therewith."

¹ Supplement 43 to Public Health Reports, p. 186.

Coal—Inspection, Analysis, or Test—Condemnation and Disposal of, when Unfit for Ordinary Use—Sale. (Ch. 155, Act Mar. 23, 1923)

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 249 the six following new sections:

"SEC. 249 A. The department of public health, local boards of health, the director of standards, and local sealers of weights and measures by themselves or by their authorized agents, may enter each place where coal is stored or kept for sale and each railroad train or car or any vehicle used for its conveyance and may inspect said coal or take therefrom samples for analysis or inspection. Said department or board shall cause each sample taken to be analyzed, inspected, or otherwise satisfactorily tested and shall record and preserve as evidence the results thereof. If, in the opinion of said department or board, upon inspection, analysis, or other satisfactory test, said coal is unfit for ordinary use, said department or said board with the approval of said department, may condemn, seize, and cause the same to be destroyed forthwith or disposed of otherwise than for ordinary use. All money received by said department or board for coal disposed of as aforesaid, after deducting the expenses of said seizure and disposal, shall be paid to the owner of such coal.

"SEC. 249 B. Any person who hinders, obstructs, or interferes with the department of public health, local boards of health, the director of standards, local sealers of weights and measures, or their authorized agents, in the performance of their duty under the preceding section, shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not less than one month nor more than one year, or both.

"SEC. 249 C. Whoever, by himself, or by his servant, agent, or employee sells, exposes or offers for sale, or has in his custody or possession with intent to sell, coal condemned under the provisions of section 249 A shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not less than one month nor more than one year, or both.

"SEC. 249 D. Whoever, by himself, or by his servant, agent or employee, sells, exposes or offers for sale, or has in his custody or possession with intent to sell, coal unfit for ordinary use shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

"SEC. 249 E. Whoever, by himself, or by his servant, agent or employee, in placing or packing coal in any basket, bag, sack, or other receptacle, places or causes to be placed therein any foreign substance, or sells or exposes or offers for sale or has in his custody or possession with intent to sell, coal placed or packed in a basket, bag, sack, or other receptacle containing an unreasonable amount of any foreign substance shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

"SEC. 249 F. The department of public health, local boards of health, the director of standards, and local sealers of weights and measures shall cause the five preceding sections to be enforced."

* * * * *

Anthracite Coal—When Deemed to not Contain an Unreasonable Amount of Impurities. (Reg. Dept. of Public H., Aug. 16, 1923)

In procedure under the provisions of chapter 155 of the Acts of 1923 anthracite coal containing not more ash than specified below will be deemed by the department of public health to be coal not containing an unreasonable amount of impurities.

Size (square mesh screens)	Trade term	Ash (dry basis, less than)
		<i>Per cent</i>
Through 4-inch, over 2 $\frac{3}{4}$ -inch	Broken	13
Through 2 $\frac{3}{4}$ -inch, over 2-inch	Egg	14
Through 2-inch, over 1 $\frac{3}{4}$ -inch	Stove	15
Through 1 $\frac{3}{4}$ -inch, over $\frac{3}{4}$ -inch	Nut	17
Through $\frac{3}{4}$ -inch, over $\frac{1}{2}$ -inch	Pea	20

MICHIGAN

Biologic Products for the Treatment and Prevention of Diphtheria—Purchase—Appropriation for the Purchase of—Appropriation for the Establishment and Operation of a Plant for the Manufacture of. (No. 121, Act May 2, 1923)

SECTION 1. Sections 3 and 4 of act 370 of the Public Acts of 1921, entitled "An act to protect the public health, to provide for the furnishing and distribution by the State commissioner of health of antitoxin and other biological products for the prevention and treatment of diphtheria, to authorize the purchase and manufacture thereof, and to make appropriations therefor," are hereby amended to read as follows:

"SEC. 3. Such quantities of antitoxin and other biological products for the treatment of diphtheria as may be required under the provisions of section 1 during the fiscal years ending June 30, 1924, and June 30, 1925, shall be purchased by the State commissioner of health. Bids for the furnishing of such products shall be advertised for in at least three newspapers of the State, of general circulation, such advertisement to be published not less than ten days prior to the day fixed for receiving bids. Upon the receipt of such bids, contracts for the furnishing of antitoxin and other products may be let, but in no case shall any such contract cover a period of more than one year in length or extend beyond the 30th day of June, 1925. The right to reject any and all bids shall be reserved. Contracts shall be let to the lowest responsible bidders furnishing adequate security for the performance thereof: *Provided, however,* If deemed expedient by the State commissioner of health, contracts for a portion only of the products required may be made with any bidder.

"SEC. 4. For the purpose of acquiring, constructing and operating the said plant there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the fiscal year ending June 30, 1924, the sum of \$25,000, and for the fiscal year ending June 30, 1925, the sum of \$25,000. There is also appropriated for the purchase of antitoxin and other biological products for the treatment and prevention of diphtheria for the fiscal year ending June 30, 1924, the sum of \$67,500, and for the fiscal year ending June 30, 1925, the sum of \$67,500."

Mental Defectives and Venereally Diseased Persons—Contracting of Marriage by. (No. 7, Act Mar. 23, 1923)

SECTION 1. Section 6 of chapter 83 of the Revised Statutes of 1846, entitled "Of marriage and the solemnization thereof," being section 11367 of the Compiled Laws of 1915, is hereby amended to read as follows:

"SEC. 6. No insane person, idiot, or person who has been afflicted with syphilis or gonorrhea and has not been cured of the same, shall be capable of contracting marriage. * * * Any person who has been afflicted of [with] syphilis or gonorrhea and has not been cured of same, who shall marry shall be deemed guilty of a felony and upon conviction thereof, in any court of competent jurisdiction, shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in the State prison at Jackson not more than five years, or by both such fine and imprisonment in the discretion of the court: *Provided,* That in all prosecutions under this act a husband shall be examined as a witness against his wife and a wife shall be examined as a witness against her husband whether such husband or wife consent or not: *And provided further,* That in all cases arising under this act any physician who has attended or prescribed for any husband or wife for either of the diseases above mentioned shall be compelled to testify to any facts found by him from such attendance. No person who has been confined in any public institution or asylum as an epileptic, feeble-minded, imbecile, or insane patient, or who has been adjudged insane, feeble-minded, an epileptic, or an imbecile by a court of competent jurisdiction

shall be capable of contracting marriage without, before the issuance by the county clerk of the license to marry, filing in the office of the said county clerk a verified certificate from two regularly licensed physicians of this State that such person has been completely cured of such insanity, epilepsy, imbecility, or feeble-mindedness, and that there is no probability that such person will transmit any of such defects or disabilities to the issue of such marriage. Any person of sound mind who shall intermarry with such insane person or idiot or person who has been so confined as an epileptic, feeble-minded, imbecile, or insane patient or who has been so adjudged insane, feeble-minded, an epileptic or an imbecile, except upon the filing of certificate as herein provided, with knowledge of the disability of such person, or who shall advise, aid, abet, cause, procure, or assist in procuring any such marriage contrary to the provisions of this section shall be deemed guilty of a felony and on conviction thereof in any court of competent jurisdiction shall be punished by a fine of not more than \$1,000 or by imprisonment in the State prison at Jackson not less than one year nor more than five years, or by both such fine and imprisonment in the discretion of the court."

Mental Defectives—Sterilization. (No. 285, Act May 25, 1923)

SECTION 1. The words "mentally defective person" or "defective" in this act shall be deemed to include idiots, imbeciles and the feeble-minded, but not insane persons. Throughout this act the words "adjudged defective" shall mean any mentally defective person who has been found and adjudged to be defective by a court of competent jurisdiction according to the laws and the statutes of this State. Throughout this act where words or pronouns of masculine gender are used, said words shall be deemed to include female persons as well as male persons.

SEC. 2. Whenever a person is adjudged defective by a court of competent jurisdiction, said court may, after hearing as herein provided, order such treatment by X rays or the operation of vasectomy or salpingectomy or other treatment as may be least dangerous to life to render said defective incapable of procreation.

SEC. 3. The court may make an order as aforesaid on the application of:

1. The father, the mother, husband, wife, brother, sister, child, or next of kin of the adjudged defective;

2. Any of the following persons resident in the county in which the adjudication was made:

(a) The prosecuting attorney, sheriff or any peace officer;

(b) Any director, superintendent or supervisor of the poor;

(c) The board of control, board of guardians, or trustees or other governing board of any State penal, corrective, or charitable institution, if such institution be wholly under control of the State;

(d) Any other person whom the judge of probate upon examination into the facts and circumstances of any particular case, shall determine to be a proper person to make such application.

Said order may be made at the time when the person is adjudged defective or at any later time.

SEC. 4. When an application is made as aforesaid, the court shall fix a day for the hearing thereof, and notice of the time and place of said hearing shall be served personally at least ten days before said hearing:

1. Upon the person adjudged to be defective if above the age of ten years;

2. Upon the prosecuting attorney of the county in which the hearing is to held; and

3. Upon the husband or wife, father or mother, or child of full age of said defective, or the person with whom said defective resides, or in whose house he may be, and if none of the relatives named in this subdivision can be found; also

4. Upon his guardian ad litem who shall be appointed by the court to receive said notice and represent said defective at the hearing.

In its discretion the court may cause notice to be served in any part of the State upon any relative of the defective or upon any interested person.

SEC. 5. The court shall cause the defective to be examined by three reputable physicians in the manner now provided by law for the examination into the mental condition of persons alleged to be defective (feeble-minded) with a view to obtaining the opinion of said physicians on the question whether the adjudged defective should be dealt with under the terms of this act.

SEC. 6. The court shall take full evidence in writing at the hearing as to the mental and physical condition of the adjudged defective and the history of his case and shall, if no jury is required, determine whether he is a person subject to be dealt with under this act for his own welfare or the welfare of the community.

If the court shall deem it necessary, or if such defective, or any relative or the guardian ad litem shall so demand, a jury of six freeholders having the qualifications of jurors in courts of record shall be summoned to determine the question of whether such person is subject to be dealt with under this act; such jury to be selected in the same manner as is provided for the selection of a jury for the condemnation of land for railroad purposes.

The jurors shall receive the same fees for attendance and mileage as are allowed by law to jurors in the circuit court. The alleged defective shall have the right to be present at such hearing, unless it shall be made to appear to the court by certificate of two reputable physicians that his condition is such as to render his removal for that purpose or his appearing at such hearing improper and unsafe.

SEC. 7. The court may order treatment or operation to render an adjudged defective incapable of procreation whenever at the hearing aforesaid it shall be found:

1. (a) That the said defective manifests sexual inclinations which make it probable that he will procreate children unless he be closely confined, or be rendered incapable of procreation;

(b) That children procreated by said adjudged defective will have an inherited tendency to mental defectiveness; and

(c) That there is no probability that the condition of said person will improve so that his or her children will not have the inherited tendency aforesaid; or

2. (a) That said defective manifests sexual inclinations which make it probable that he will procreate children unless he be closely confined, or be rendered incapable of procreation; and

(b) That he would not be able to support and care for his children, if any, and such children would probably become public charges by reason of his own mental defectiveness.

SEC. 8. The court may with the consent of the parents or guardian of an adjudged defective order treatment or operation to render such defective incapable of procreation whenever at such hearing it shall be found that the mental or physical condition of said defective would be substantially improved by such operation or treatment, or that such operation or treatment is otherwise for the welfare of such defective.

SEC. 9. Any defective shall have the right to appeal from an order directing treatment or operation to render him incapable of procreation, in the same manner and upon the same terms, and [as?] persons found and adjudged defective (feeble-minded) may appeal, and while said appeal is pending and undetermined the execution of the order shall be suspended, and the court may make any necessary or proper order for the care and custody of the defective pending the final determination of said appeal.

SEC. 10. Whenever the court shall order treatment or operation as provided in this act, it shall direct a competent physician or surgeon with proper assistance to perform said operation or give said treatment. The said physician or surgeon shall receive the sum of \$25 for every such operation or treatment.

SEC. 11. The invalidity of any part, section, or provision of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part, section, or provision.

Township Boards of Health—Compensation of Members of. (No. 291, Act May 25, 1923)

SECTION 1. Section 95 of chapter 16 of the Revised Statutes of 1846, entitled "Of the powers and duties of townships and the election and duties of township officers," being section 2154 of the Compiled Laws of 1915, as last amended by act number 57 of the Public Acts of 1921, is hereby amended to read as follows:

"SEC. 95. The following township officers shall be entitled to compensation at the following rates for each day of ten hours actually and necessarily devoted by them to the service of the township in the duties of their respective offices, to be verified by affidavit whenever required by the township boards:

"First. The * * * board of health, * * * \$4 per day and at the same rate for parts of days;"

Public Nurses—Employment of, by Townships. (No. 145, Act May 10, 1923)

SECTION 1. Section 2 of act No. 277 of the Public Acts of 1921, entitled "An act to authorize townships to employ nurses and to provide for their compensation," approved May 18, 1921, is hereby amended so as to read as follows:

"Sec. 2. Whenever the qualified electors of any township have voted any money for the employment of a public nurse or nurses for said township, the township board may contract or provide for the services of a public nurse or nurses for such township and shall provide for the payment of such services out of funds voted for that purpose. Said board may employ one or more such nurses who shall devote their whole time to such work, or they may be employed for part time, or for special cases, or said board may in its discretion join with any other township, townships, or municipalities in procuring and paying for the services of a nurse or nurses for the common benefit of such organizations: *Provided*, That no person employed or appointed under the provisions of this act shall diagnose or attempt to diagnose any case, prescribe or attempt to prescribe drugs or treatment other than ordinary and temporary means, nor use his or her position to promote the business or for the financial gain of any particular physician, surgeon, osteopath, dentist, oculist, optometrist, or any other specialist or practitioner, or in discrimination for or against any particular method or school of healing the practitioners of which are legally practicing in this State in the treatment of human abnormalities: *Provided further*, That no person who objects thereto, or no minor whose parent or guardian objects thereto, shall be compelled to receive medical or physical examination, medical instruction or medical treatment of any nature, nor shall any instruction in sex hygiene and kindred subjects be given by lecturers [lectures?] or otherwise by such nurses in the public schools of this State. Any person employed and serving as nurses [nurse] under this act who shall violate any of the provisions thereof shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court."

Filled Milk or Cream—Manufacture or Sale Prohibited. (No. 23, Act Apr. 6, 1923)

SECTION 1. It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever. Nothing in this act shall be construed to prohibit the manufacture, sale, exchange, or possession of preparations containing milk in any form intended exclusively for the feeding of infants and young children and sold to be used under the order of physicians.

SEC. 2. Nothing in this act shall be construed to prohibit the shipment into this State from a foreign State, and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles the manufacture, sale, or exchange of which, or possession of which with intent to sell or exchange, is prohibited hereby.

SEC. 3. Any violation of any of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership or as an agent or officer of a corporation, who shall be convicted of such violation, either on his own behalf or in the interests of a corporation, shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by a fine of not less than \$50 nor more than \$100, or by both such fine and imprisonment.

Ice Cream—Licenses for the Manufacture of. (No. 95, Act Apr. 26, 1923)

SECTION 1. Section 6 of act No. 70, Public Acts of 1909, entitled "An act to regulate the manufacture and sale of ice cream within the limits of the State of Michigan," as amended by act No. 224, Public Acts of 1913, is hereby amended to read as follows:

"SEC. 6. Each person, firm, or corporation engaged in the manufacture of ice cream as a business within this State, after this act shall take effect, and annually thereafter on the 1st day of April, shall file with the commissioner of agriculture, upon blanks to be furnished by said official, an application for a license, accompanied with a fee of \$5, for each establishment or plant maintained by such person, firm, or corporation, and upon receipt of such application the commissioner of agriculture shall issue to the person, firm, or corporation making such application a license to manufacture ice cream, as provided in this act, which license shall be renewed annually. The commissioner of agriculture may suspend any such license temporarily for failure to comply with the provisions of this act or any regulations or order made by him, and shall have the power finally to revoke the same for such cause. Before any such suspension or revocation of a license is made the commissioner of agriculture shall given [sic] written notice to the licensee that he contemplates the suspension or revocation of the same, and giving his reasons therefor. Such notice shall appoint a time for hearing before said commissioner of agriculture and may be sent by registered mail to the licensee. The hearing shall be held in the county in which the complaint is made. On the day of hearing the licensee may present such evidence as he desires, and after hearing the evidence the commissioner of agriculture shall decide the matter in such manner as to him appears just and right. The money so collected by the commissioner of agriculture shall be paid into the State treasury, to be disbursed in such manner and for such purposes as may be provided by law."

Cheese—Definitions and Standards—Manufacture, Labeling, and Sale. (No. 30, Act Apr. 6, 1923)

SECTION 1. Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet, pepsin, or lactic acid, with or without the addition of ripening ferments and seasoning or added coloring matter, and shall contain in the water-free substance not less than 50 per cent of milk fat, and cheese known as American or Cheddar cheese shall contain not more than 40 per cent of water, and cheese known as brick cheese not more than 42 per cent of water. Cheese containing less than 50 per cent of milk fat in the water-free substance shall be known and branded as skimmed milk cheese; except that what is known as "Emmentaler" or "domestic Swiss Cheese," "Camembert cheese," and "Edam cheese," or "fancy cheese," shall contain in the water-free substance not less than 43 per cent of milk fat: *Provided*, That the provisions of this act shall not be construed to apply to such cheese as is known as "Dutch cheese" or "cottage cheese."

SEC. 2. No person shall manufacture, deal in, sell, offer, or expose for sale or exchange any article or substance in the semblance of, or in imitation of, cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or offal fats or oils, or vegetable fats or oils, or melted butter in any condition or state, or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced.

SEC. 3. Every manufacturer of full cream cheese may put a brand upon each cheese, indicating "Full cream cheese," and no person shall use such a brand upon any cheese containing less than 50 per cent of milk fat in the water-free substance. Every manufacturer of American or Cheddar skimmed milk cheese, as defined by this act, shall put a brand upon each cheese so manufactured, indicating "Skimmed milk cheese," which brand shall be in plain roman letters and made by indelible ink, and placed on the rind at intervals of not more than 1 inch, and so made, placed, or attached that it can easily be seen and read and can not be easily defaced, and the same shall be placed upon the surface of the cheese, before the cheese is paraffined, as well as upon the container thereof. All skimmed milk cheese, except American and Cheddar skimmed milk cheese, shall be packed in containers on which the following shall appear, "Made from partly skimmed milk," and the same shall be placed on the package or container so that it can easily be seen and read and can not be easily defaced.

SEC. 4. The proprietor or keeper of any hotel, restaurant, eating saloon, boarding house, or other place where American or Cheddar skimmed milk cheese is sold or furnished to persons paying for the same, shall have placed on the walls of every store or room where American or Cheddar skimmed milk cheese is sold or furnished, a white placard on which is printed in black ink, in plain roman letters of not less than 3 inches in length, and not less than 2 inches in width, the words "Skimmed milk Cheddar cheese sold or used here," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by any and all persons entering such store, room, or rooms. No person shall offer, sell, or expose for sale or exchange any cheese or package of cheese which is falsely branded or labeled. Whoever shall violate any of the provisions of this act shall be punished by a fine of not less than \$50 nor more than \$500 and the cost of prosecution, or by imprisonment in the county jail or the Michigan reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

SEC. 5. Sections 5, 7, and 8 of Act No. 193, Public Acts of 1895, as amended by Act No. 73, Public Acts of 1913, being sections 6478, 6480, and 6481 of the Compiled Laws of 1915; also section 6 of Act No. 193, Public Acts of 1895, as amended by Act No. 118, Public Acts of 1897, and Act No. 73, Public Acts of 1913, being section 6479 of the Compiled Laws of 1915, are hereby repealed.

Habit-Forming Drugs—Possession, Sale, and Dispensing. (No. 92, Act Apr. 26, 1923)

SECTION 1. It shall be unlawful for any person, natural or artificial, or for the officers, agents, servants, or employees of any corporation, directly or indirectly, individually or by agent, servant, or employee, to sell or offer for sale, give away or offer to give away, dispense or distribute or have in his possession for sale, giving away, dispensing, or distribution, any opium or coca leaves, or any compound, manufacture, preparation, or derivative, their salts, or any preparation of them, derivative or preparation thereof, except as hereinafter provided.

SEC. 2. Possession of any of the drugs, compounds, or derivatives mentioned in section 1 shall be prima facie evidence of the violation of this act.

SEC. 3. The provisions of this act relating to possession of any of the drugs, compounds, or derivatives aforesaid shall not be deemed to apply to officers of the law obtaining and retaining such possession for the purposes of prosecution of violations of this act, nor shall the prohibitory or penal provisions of this act apply to manufacturers, wholesale druggists, pharmacists, druggists, physicians, nurses and caretakers, patients and others possessing and using said drugs, compounds, or derivatives in compliance with the provisions of this act as hereinafter set forth, nor shall anything in this act contained be construed to apply to preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine or more than one-eighth of a grain of heroin or more than 1 grain of codeine or any salt or derivative of any of them in 1 fluid ounce, or, if a solid or semisolid preparation, in 1 avoirdupois ounce, or to liniments, ointments, or other preparations which are prepared for external use only and which do not contain cocaine or any of its salts or alpha or beta eucaine or any of their salts produced either naturally or synthetically whenever and wherever such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intention and provisions of this act. The provisions of this act shall not apply to decocinated coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

SEC. 4. Any person holding an unexpired certificate as a registered pharmacist or registered druggist under the laws of this State may dispense any drug or drugs mentioned in section 1 of this act upon a written prescription or order of a physician, veterinarian, or dentist duly qualified to practice under the laws of this State, which prescription shall be retained in the pharmacy or store in which the same was dispensed, by the proprietor thereof or his successor for a period of two years. Said prescription shall be filled but once and no copy of it shall be taken by or furnished to any person except the same be required for the enforcement of this act.

SEC. 5. Any manufacturer or jobber of any or all of the drugs mentioned in section 1 of this act, any wholesale druggist, any pharmacist or druggist who may lawfully practice pharmacy and dispense drugs under the laws of the State may sell any item mentioned in section 1 of this act to any such manufacturer,

jobber, wholesale druggist, pharmacist, druggist, or to any lawfully practicing physician, veterinarian, or dentist, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, pharmacist, druggist, physician, veterinarian, or dentist, which order shall show the item or items ordered and the date of delivery; and which order shall be kept on file in the laboratory, warehouse, pharmacy, or store from which it was filled by the proprietor thereof or his successor for a period of not less than two years from the date of delivery.

SEC. 6. The prescriptions and orders required to be kept on file by this act shall be at all times open to the inspection of the prosecuting attorney and sheriff of the county, their deputies or assistants, or any constable, police officer, member of the State board of pharmacy, member of the State board of health, food and drug commissioner or inspector and inspector of pharmacies, each of whom shall be permitted to make such notes therefrom and such copies thereof as he may deem wise.

SEC. 7. Nothing in this act contained shall be construed to forbid or regulate the dispensing or distribution of any of the drugs mentioned in section 1 of this act by or under the instructions of a lawfully practicing physician, dentist, or veterinarian in the course of his professional practice, and not for the purpose of evading the provisions of this act.

SEC. 8. Any person who shall make any false pretense for the purpose of purchasing or obtaining any of the drugs mentioned in section 1 of this act when it would be unlawful to sell, give away, or dispense the same to him, shall be liable to the penalties of this act, whether he succeed in purchasing or obtaining same or not.

SEC. 9. If any person makes a sworn complaint or affidavit before any magistrate authorized to issue warrants in criminal cases that any drugs, derivatives, compounds, or preparations mentioned in section 1 of this act are being possessed, sold, dispensed, distributed, or given away, or kept for the purpose of being possessed, sold, dispensed, distributed, or given away contrary to law, or that such drugs derivatives, compounds, or preparations are stored or concealed temporarily or otherwise in any depot, freight house, express office, or in any other building or place, or in any vehicle or conveyance with the apparent intention of being delivered for the purpose of being possessed, sold, dispensed, distributed, or given away contrary to the provisions of this act, or that the complainant or affiant believes and has good cause to believe that such drugs, derivatives, compounds, or preparations are concealed in any barn, building, place, vehicle, or conveyance, such magistrate, if he be satisfied there is reasonable cause for such belief, shall immediately issue his warrant to any officer whom the complainant may designate having power to serve criminal process, commanding him to search the premises described and designated in such complaint and warrant, and if any drugs, derivatives, compounds, or preparations are there found to seize the same, together with bottles, cases, vessels, or packages in which they are contained and all the implements, furniture, vehicles, and conveyances used and kept for such illegal possession, storing, selling, dispensing, distributing, or giving away of such drugs, derivatives, compounds, or preparations, and them safely keep and make immediate return on said warrant. Such drugs and other articles seized, unless the same be owned by innocent third parties, shall be held subject to the order of such court or magistrate to be used as evidence in the prosecution for the violation of this act.

SEC. 10 Any person who shall violate the provisions of this act shall be guilty of a felony and upon conviction before any court of competent jurisdiction shall be sentenced to pay a fine not exceeding \$1,000 or to undergo imprisonment for a period not exceeding two years, or the court may, in its discretion, impose a penalty of both such fine and imprisonment within the limits aforesaid.

SEC. 11. Act No. 117 of the Public Acts of the State of Michigan for the year 1915, as amended, and all other acts or parts of acts contravening or conflicting with the provisions of this act or any part thereof are hereby repealed.

Drugs, Medicines, and Toilet Preparations—Licensing of Itinerant Vendors of. (No. 85, Act Apr. 26, 1923)

SECTION 1. Any itinerant or traveling vendor or hawker of any drug, nostrum, face powder, face cream, face bleach, face lotion, cosmetic, tooth powder, tooth paste, dentifrice, or other toilet preparation, or any ointment or application of any kind for the treatment of any disease, injury, or deformity, before offering for sale or selling any such drug, nostrum, face powder, face cream, face bleach, face lotion, cosmetic, tooth powder, tooth paste, dentifrice, or other toilet

preparation, or any ointment or application of any kind for the treatment of any disease, injury or deformity, shall pay to the director of the Michigan board of pharmacy an annual fee of \$25, upon the receipt of which the said director shall issue a license for one year from the date of said payment.

SEC. 2. Itinerant or traveling vendors or hawkers under the meaning of this act shall include all persons who carry on the business described in section 1 hereof, by passing from house to house or haranguing the people on the public streets or in public places or by using any art or device for attracting crowds and therewith recommending their wares and offering them for sale, or who travel from place to place and hire, lease or occupy any room, building, or structure for the exhibition and sale of their wares.

SEC. 3. Any violation of this act shall be a misdemeanor and any person upon conviction thereof shall be punished by a fine of not more than \$300, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Nothing in this act shall be construed to prevent the collection of any tax or license that may be imposed by any county, township, or municipal authority.

SEC. 5. Nothing in this act contained shall be held or construed to affect sales by traveling representatives of regularly established jobbers or of manufacturers selling to the trade by sample for future delivery from their established place of business; nor any person selling products raised upon lands leased or owned by him; nor individuals handling vegetables, fruits, or perishable farm products.

SEC. 6. Any person licensed under the provisions of this act shall not be required to obtain a State license as such vendor or hawker under any prior act.

Tuberculous Cattle—Appraisal—Destruction—Payments to Owners. Cattle—Tuberculin Testing—Sale of, in Certain Cases—Exhibition of, at Public Fairs. (No. 89 Act Apr. 26, 1923)

SECTION 1. Sections 15, 21 a, 21 b, and 21 c of Act No. 181¹ of the Public Acts of 1919, entitled "An Act to provide for the prevention and suppression of contagious, infectious, and communicable diseases of livestock; to provide for the creation of a department of animal industry of the State of Michigan; to authorize and require the appointment of a State commissioner of animal industry, of two advisory commissioners and of a State veterinarian; to prescribe the powers and duties of said officers, and to repeal all acts or parts of acts contravening the provisions of this act," approved May 2, 1919, as amended by Act No. 286 of the Public Acts of 1921 and by Act No. 9 of the Public Acts, first special session of 1921, are hereby amended and one new section is hereby added to said act to stand as section 15 a, said amended sections and added section to read as follows:

"SEC. 15. In case of tuberculous cattle, whenever the commissioner shall direct the killing of such cattle, it shall be the duty of the commissioner to appraise the animal or animals condemned, the owner or owners thereof to receive 50 per centum of the appraised value of animals as though not diseased, but such sum in no case shall exceed the sum of \$30 for grade animals and \$60 for registered thoroughbred animals: *Provided*, That the owner or owners of slaughtered animals shall receive no compensation for the same unless the commissioner shall be satisfied that the premises have been kept in a sanitary condition, nor shall they receive compensation until said commissioner is satisfied that the infected premises have been disinfected in such manner as to prevent the further spread of the disease. When the commissioner shall deem it expedient to have cattle that have reacted to the tuberculin test slaughtered under Federal inspection or under the inspection of a competent veterinarian authorized by the commissioner, he shall have the power to order such slaughter. If the carcass of any such animal shall pass the inspection without being condemned, the owner of the animal shall receive all proceeds secured from the sale of such carcass after payment for shipping, handling, and slaughtering charges have been deducted, in addition to the above-mentioned 50 per centum of appraisal value. If the carcass of any such animal shall be condemned by the inspectors, the owner of the animal shall receive the proceeds of the sale of the hide, tallow, offal, or any other proceeds from the sale of the carcass, after deducting the cost of handling, shipping, and slaughtering, in addition to the above-mentioned 50 per centum appraisal valuation. The commissioner shall

¹ Supplement 42 to Public Health Reports, p. 352.

have power to designate the places where suspected animals shall be slaughtered, and also to employ a competent inspector to examine the carcasses of slaughtered animals: *Provided further*, That no indemnities shall be paid under the provisions of this section for cattle reacting to the tuberculin test, except such as are branded on the left jaw with the letter 'T' not less than 2 inches high, having had the test applied by a veterinarian approved by the State or Federal Government, and are slaughtered within six months from the date of reaction.

"SEC. 15 a. The board of supervisors of any county in this State is hereby authorized to raise and appropriate annually such sum as it may deem necessary for the purpose of paying the salaries of one or more veterinarians authorized by the State commissioner of agriculture and the Bureau of Animal Industry of the United States to conduct the testing for tuberculosis of all cattle within the county, together with the actual and necessary expenses of such veterinarians and inspectors engaged in such testing, also all supplies necessary therefor. Whenever the commissioner shall have determined to test for tuberculosis all the cattle in any certain county where bovine tuberculosis eradication has been adopted, he shall give public notice of his determination by publishing a notice to that effect in one or more newspapers of general circulation in said county at least ten days before such testing shall commence. Cattle found to be reactors to such test shall be branded, slaughtered when ordered by the commissioner, and the owners thereof entitled to such indemnities as in this act provided. It shall be unlawful for any person who owns or who is in possession of or controls any cattle to prevent, hinder, obstruct, or refuse to allow the commissioner or authorized veterinarian to conduct such tests for tuberculosis on such cattle: *Provided*, That this section shall not apply to steers properly isolated from other cattle.

"SEC. 21 a. It shall be unlawful to offer at public sale any cattle for breeding or dairy purposes in any county where bovine tuberculosis eradication is under way on the county area basis, except when such cattle have been subjected to the tuberculin test within sixty days of date of such sale and found to be free from any contagious or infectious disease by a veterinarian approved by the State and Federal Government: *Provided*, That the provisions of this section shall not apply to herds under State and Federal control with one successful test without reactors being found.

"SEC. 21 b. It shall be unlawful to offer any cattle at any public fair in this State for exhibition purposes except when a certificate of health, including the tuberculin test, for each head of cattle to be exhibited, issued not more than ninety days prior to the first day of said fair, signed by a graduate veterinarian licensed to practice under the laws of the State in which he resides and who is approved by the State and Federal Government, showing such cattle to be free from any contagious or infectious disease, shall be attached to the entry blank and filed with the secretary of the fair: *Provided*, That the provisions of this section shall not apply to herds under State and Federal control with one successful test without reactors being found.

"SEC. 21 c. It shall be the duty of every veterinarian making any tuberculin test within the State to file with the State department of agriculture within five days after completing such test the charts thereof, and to furnish the owner of cattle so tested with a certificate showing the result of the tests so made and to brand each reacting animal on the left jaw with the letter 'T' not less than 2 inches high."

Deaths—Execution and Filing of Certificates of—Issuance of Burial and Removal Permits. (No. 200, Act May 15, 1923)

SECTION 1. Section 2 of Act No. 217 of the Public Acts of 1897, entitled "An act to provide for the registration of deaths in Michigan and requiring certificates of death," the same being section 5605 of the Compiled Laws of 1915, is hereby amended to read as follows:

"SEC. 2. Whenever any person shall die, the undertaker, householder, relative, friend, manager of institution, sexton or other person, superintending the burial of said deceased person shall cause a certificate of death to be filled out with all the personal and family particulars required in section 3 of this act, and attested by the signature of a relative or some competent person acquainted with the facts. The physician who attended the deceased person during his last illness shall fill out the medical certificate of cause of death, which death certificate:

shall be delivered to the registrar within forty-eight hours after the death shall have occurred. In case of death without the attendance of a physician, or if it shall appear probable that the deceased person came to his death by unlawful or suspicious means, then the registrar shall refer the certificate to the health officer or coroner for immediate investigation and report prior to issuing the permit: *Provided*, That when the health officer is not a physician, and only in such case, the registrar is authorized to insert the facts relating to the cause of death from statements of relatives or other competent testimony. Upon the presentation of a certificate of death properly filled out and signed, the registrar shall issue a permit for the burial or removal of the body and shall immediately record the death in the register of deaths, numbering all certificates consecutively in the order in which they are received, beginning with No. 1 for the first death that occurs in each year. In deaths from dangerous communicable diseases, burial or removal permits shall be granted by the registrar only in accordance with the rules of the local board of health and of the State board of health relating thereto. The sexton or other person having charge of the interment or final disposition of the body shall retain the burial permit when presented to him by the undertaker: *Provided*, That when a body is shipped the removal permit shall be presented by the undertaker or other person shipping the same to the agent of the transportation company, and shall be attached by him, with the transit permit, to the box containing the body, to accompany the same to destination, and no transit permit shall be issued or received by any transportation company for the shipment of a body unless accompanied by the registrar's removal permit."

Embalmers' Apprentices—Registration—Licensing of, as Embalmers. (No. 221, Act May 23, 1923)

SECTION 1. Section 12 of act No. 132 of the Public Acts of 1903 entitled, as amended, "An act empowering the State board of health to examine, determine the qualifications of, and issue licenses to persons engaging in the business of embalming, undertaking, or funeral directing, and to provide for the revocation of such licenses in certain cases; to provide for embalmers' apprentices and their registration; to regulate the practice of embalming, shipping, and caring for dead human bodies, and to provide a penalty for the violation of this act," as added by act No. 62 of the Public Acts of 1921, approved April 15, 1921, being sections 6906 to 6915, inclusive, of the Compiled Laws of 1915, is hereby amended to read as follows:

"Sec. 12. Any person who has completed ten grades in the public schools of the State, or its equivalent, may enter the employ of a licensed embalmer as an apprentice. Any such person becoming such apprentice shall forthwith apply to the State board of health for registration as an apprentice, which application shall state his name, age, place of birth, the date his apprenticeship commenced; the name and place of business of the embalmer whose service he has entered, and shall be accompanied by an affidavit from such embalmer, showing the correctness of the statements contained in the application, and a fee of \$1. The board of health, upon receipt of such application, shall register such apprentice, together with his address and the name and address of his preceptor, in a book provided for that purpose. If at any time thereafter such apprentice leaves the employ of the licensed embalmer whose service he has entered, it shall be the duty of the said licensed embalmer to give to such apprentice an affidavit showing the length of time he has served as an apprentice with him, which affidavit shall be filed with the State board of health and made a matter of record in the office of said board, and, if such apprentice shall thereafter enter the employ of another embalmer in the State of Michigan, he shall forthwith report such employment to the State board of health for record in the office of the State board. Before such apprentice shall be eligible to receive a license to practice embalming, he shall exhibit, in connection with the other evidence required by this act, affidavits from the several licensed embalmers under whom he shall have worked, showing that he has embalmed for burial or shipment at least fifty bodies during his apprenticeship. This work must all have been done within four years from the date of registration as an apprentice with the State board of health. In all applications of apprentices for licenses as an embalmer under this act, the eligibility of the applicant shall be determined by the records in the office of the State board of health: *Provided*, That the educational qualifications above provided shall not become operative until July 1, 1925."

Divorces—Reports Regarding, by Clerks of Courts—Preparation of Abstracts, Tabular Statements, etc., from the Reports. (No. 27, Act Apr. 6, 1923)

SECTION 1. Sections 1 and 2 of act No. 9 of the Public Acts of 1897, entitled "An act to provide for the collection and publication of statistics of divorces in Michigan," being sections 5631 and 5632 of the Compiled Laws of 1915, as amended by act No. 170, Public Acts of 1921, are hereby amended to read as follows:

"SEC. 1. The clerks of circuit courts for the several counties, the clerks of superior courts and of all other courts having jurisdiction in divorce cases shall on the first day of each term of court or, if no regular terms are held, then on or before the 1st day of February of each year make returns to the State commissioner of health in relation to petitions or bills for divorce in their respective courts for the preceding term thereof or for the preceding calendar year, if there are no regular terms of such court. The returns shall be made on blanks supplied by the commissioner of health for that purpose and shall specify the following details: Number of petitions or bills pending at the beginning of the term; whole number of petitions or bills filed within the term; number of divorces granted; number of divorces refused; number of petitions or bills contested; number of petitions or bills pending at the end of the term; alleged cause for divorce in each case; sex of plaintiff; date and place, State, and county, where the marriage was performed; the name of each party; age of each party; names and ages of all children in family.

"SEC. 2 The commissioner of health shall prepare from said returns abstracts and tabular statements of the facts relating to divorces in this State and embody the same in the annual report relating to the registry of births, marriages, and deaths."

MINNESOTA

Communicable Diseases—Reports of Cases Occurring in Camps. (Reg. Bd. of H., Effective May 23, 1923)

326. It shall be the duty of any proprietor, employer, superintendent, foreman, master, teacher, matron, policeman, town marshal, watchman, or other person in charge of or responsible for the care of any industrial, civil training, "settlement," "fresh air," outing, or tourist camp wherein any case of reportable disease occurs, among camp dwellers, campers, employees, or visitors to report same to the local health officer (i. e. to the medical health officer when camp is located in cities and in villages having organized boards of health; to the chairman of the board of supervisors when located in townships and in villages therein when such villages have no organized boards of health; and to the county health officer when located in unorganized territory) within twenty-four hours after first knowledge of same.

Suspected Disease Carriers—Submission of Specimens of Bodily Excretions or Discharges. (Reg. Bd. of H., Effective May 23, 1923)

327. Any person suspected of being in a condition such that disease may be spread through his or her bodily excretions or discharges shall on request of local health officer or an authorized agent of the State board of health submit to the State board of health specimens of such bodily excretions or discharges, in manner and amount, at such intervals and under such supervision as prescribed by the State board of health. If deemed necessary by the local or State board of health for the control of spread of infection, supervision of the collection of specimens shall include temporary hospitalization at public expense.

Employment of Tuberculosis Visiting Nurses, Disinfection of Premises to Prevent Spread of Tuberculosis, and Care, Support, and Maintenance of Indigent Tuberculous Persons—Counties Authorized to Take Action Regarding, and to Appropriate Money to Pay Expense of. (Ch. 216, Act Apr. 11, 1923)

SECTION 1. *Tuberculosis—Preventing spread thereof.*—That section 731 of the General Statutes of 1913 be amended so that it shall read as follows:

"SEC. 731. In case any town, district, or county antituberculosis society or association or other society or association organized and existing for the purpose of controlling the spread of tuberculosis in this State considers it necessary to secure the services of visiting nurse or nurses or to disinfect any building, room, residence, hotel, or other place in such county infected with tuberculosis or to care for, support, or maintain poor persons afflicted with tuberculosis, such society shall report such fact to the county board and shall in such report recommend the course of action advisable to be adopted by the county board in relation thereto and in accordance with the provisions of this act, and such county board shall at the next meeting of such board consider such report and recommendation and act on the same, and such county board is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto."

SEC. 2. *Same—Appropriation.*—That section 732 of the General Statutes of 1913 be amended so that it shall read as follows:

"SEC. 732. The county boards of the several counties of this State may appropriate money out of the general revenue fund of the county for the purpose of paying for the services of visiting nurses or other medical attention or advice in preventing the spread of tuberculosis in such county, or for the care, support, and maintenance of poor persons afflicted with tuberculosis, whether the county has the town or county system of caring for the poor, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis."

Communicable Disease Hospitals—Certain Cities Authorized to Issue Bonds for the Acquisition of Sites for, and the Construction and Equipment of. (Ch. 223, Act Apr. 11, 1923)

SECTION 1. Bond issues for contagious hospitals authorized in certain cities.—The governing body of any city of this State now or hereafter having a population of more than 50,000 inhabitants is hereby authorized and empowered, for the purposes herein designated, to issue, from time to time as needed, the negotiable bonds of their respective cities to an amount in the aggregate not exceeding \$250,000; said bonds to be made in such denomination and payable at such places and at such times, not exceeding thirty years from the date thereof as may be deemed best, and to bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor and upon the best terms that can be obtained for said bonds: *Provided*, That no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon: *Provided*, That this act shall not supersede the provisions of the charter of any city providing for the referendum of ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the charter of any city making the action of the common council subject to approval of a board of estimate and taxation, nor with the provisions of any such charter prescribing a particular method of authorization of such bonds.

SEC. 2. Tax levy—Sinking fund.—The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act, and for the payment of the current interest thereon, and said governing body of such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

SEC. 3. Form of bonds—Execution—Sale.—All bonds issued under authority of this act shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk and countersigned by the city comptroller or city auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportions of the whole amount authorized by this act and at such times as may be determined by the said governing body of such city.

SEC. 4. Use of proceeds.—The proceeds of any and all bonds issued and sold under authority of this act shall be used only for the purpose of acquiring a site, constructing, and equipping a contagious hospital, and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified.

SEC. 5. Limitations.—Nothing herein contained shall be construed to repeal or modify the provisions of any charter adopted pursuant to section 36, article 4 of the constitution of this State requiring the question of the issuance of bonds to be submitted to a vote of the electors.

SEC. 6. Application.—This act shall apply to cities operating under home rule charters adopted pursuant to section 36 of article 4, of the State constitution, and the powers granted in this act are in addition to all existing powers of such cities.

Building for the Treatment of Communicable Diseases in Connection with Existing Hospital—Certain Counties and Cities within Such Counties Authorized to Issue Certificates of Indebtedness or Bonds for the Erection of. (Ch. 398, Act Apr. 19, 1923)

SECTION 1. Certain counties to issue bonds for construction of buildings.—Any county, and any city within such county, which maintain a board of control by funds supplied in proportionate parts by any such county, and city within such county, may issue and sell certificates of indebtedness or bonds of such county and city within such county, in an amount not to exceed \$400,000 for the purpose of defraying the cost of erecting one building for the purpose of treating contagious and communicable diseases, "and one building to be used as a chapel and auditorium," in connection with any hospital maintained by such board of control.

SEC. 2. County board to issue and sell bonds.—Whenever the board of county commissioners of any such county and the governing body of any city, within such county, shall deem it advisable to provide funds for the erection of a building to be used for the purpose of treating contagious and communicable diseases, and a building to be used as a chapel and auditorium, in connection with a hospital maintained by any such board of control, such county and city may issue and sell certificates of indebtedness or bonds of such county in an amount not to exceed \$400,000 without submission to the vote of the people, and the full faith and credit of the county and the city shall be pledged to the payment of the principal and interest of such certificates of indebtedness or bonds. Such bonds shall be in the form of serial bonds, a portion of which shall be payable each year after issue, but none of said bonds shall run for a longer term than twenty years, and the board of county commissioners and the governing body of such city shall fix the denominations of said bonds and the dates of maturity thereof, so that the amounts necessary each year for the payment [payment] of principal and the interest on said bonds shall be approximately the same in each of the years during which such bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided by section 1856, General Statutes 1913, and the board of county commissioners and the governing body of such city shall determine whether such bonds shall be sold to the purchaser who will pay par value thereof, at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest [interest] rate to be fixed by the said board of county commissioners and the governing body of such city: *Provided however*, That the rate of annual interest shall in no case exceed 6 per cent per annum.

SEC. 3. County and city to share expense.—The county shall bear and pay two-thirds and the city shall bear and pay one-third of said bonds, so issued by the board of county commissioners and governing body thereof respectively, and the board of county commissioners of such county, and the governing body of any such city, shall provide annually for the payment of such bonds and interest, and shall raise sufficient taxes therefor, and if any such board of county commissioners or the governing body of any such city shall fail to make provision in their annual tax levies for the payment and redemption of said bonds, with the interest thereon, as the same become due and payable, the county auditor of any such county shall add to the amount of taxes to be raised by any such county or city an amount sufficient to provide for the payment and redemption of any such bonds with interest due thereon.

SEC. 4. Limitation not to apply. The amount of indebtedness herein authorized to be incurred by any such county and any such city shall be in addition to, and over and above any limits now fixed by law, charter or otherwise.

**Hospitals, Tuberculosis Sanatoriums, Pesthouses, or Detention Homes—
Licenses Required for the Establishment and Maintenance of, in Villages by
Cities or Counties. (Ch. 237, Act Apr. 12, 1923)**

SECTION 1. Village council to issue license for the establishment of certain institutions.—No city or county shall hereafter established [sic] a tuberculosis sanatorium, pest house, hospital, or detention home in any village, without first making application for a license to the village council of such village, giving the proposed location of said institution, the plans and specifications of the contemplated buildings, and such other information in reference to the erection of said buildings, as may be required by the village council, nor until the village council of such village has granted a license for the erection or maintenance of such institution.

SEC. 2. Council to regulate location.—Whenever an application for a license for the erection, maintenance, or establishment of any of the institution[s] herein mentioned shall have been made to a village council, the council shall consider said application within ten days thereafter, and if, in the opinion of said council or a majority thereof, it shall be deemed proper and advisable to license such an institution, the council shall authorize the village recorder to issue to said applicant a license for the erection or maintenance of such institution as per the petition presented or as changed as hereinafter stated; if the said council shall require any changes in the plans or specifications, or in the location of said institution, to protect the health and safety of the inhabitants of the village, the council shall suggest changes to be made in the aforesaid application before granting such license.

SEC. 3. Violation and penalties.—Any officer, agent, or employee of any city or county who shall violate any provision of this act shall be deemed guilty of a gross misdemeanor.

County Tuberculosis Hospitals—Certain Counties Authorized to Issue Bonds for the Enlargement and Improvement of, and to Provide Additional Buildings and Grounds for. (Ch. 74, Act Mar. 22, 1923)

SECTION 1. Bonds for tuberculosis sanatoriums authorized.—The board of county commissioners of each and every county in this State now or hereafter having not less than 400,000 inhabitants wherein a county sanatorium is, or shall be established under or by virtue of chapter 500, General Laws of 1913, and all acts amendatory thereof, for the care and treatment of persons affected with tuberculosis, is hereby authorized by resolutions duly passed by a majority vote to issue and sell the negotiable bonds of such county in such amounts as it shall from time to time deem necessary, not to exceed, however, in the aggregate, \$750,000, par value, for the purpose of enlarging and improving, and providing additional buildings and grounds for such sanatorium.

SEC. 2. County board to issue—Interest rate.—Such county board may issue and sell the bonds of the county for the purposes hereinbefore specified not exceeding \$750,000, par value, of such bonds, the principal of which bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practical, the first annual installment whereof shall mature not more than five years from the issuance of such bonds. Such bonds shall be sold in the manner provided for in section 1856, General Statutes of 1913, but the rate of interest shall in no case exceed 5 per cent per annum, payable annually or semiannually, and said bonds shall not be sold at less than par. The board of county commissioners of any such county shall annually levy under the authority of this act a tax on all the taxable property of the county sufficient to pay said bonds in annual installments corresponding to the amounts of interest and principal thereof as herein provided falling due from year to year.

The county auditor shall extend the tax so levied by the county board in sufficient amounts from year to year to cover the principal and interest as they mature.

The credit of the county shall be pledged to the payment of the principal and interest of such bonds. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the auditor of such county and sealed with his official seal and shall have proper interest coupons attached.

The auditor shall keep a record of all bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, rate of interest, time when due and the name of the person to whom issued.

SEC. 3. Purposes.—The proceeds of the sale of such bonds shall be placed with the county treasurer of such county to the credit of the sanatorium fund and shall be used in accordance with and for the purposes described in this act and for no other purpose whatsoever.

Tuberculosis Hospitals in Certain Counties—Tax Levy for the Improvement and Enlargement of Site of, and for the Construction, Improvement, Equipment, Enlargement, and Maintenance of. (Ch. 101, Act Mar. 28, 1923)

SECTION 1. Tax levy for tuberculosis sanatoriums authorized.—The county board of any county in this State which has heretofore established, or shall hereafter, either by itself or in conjunction with another county or counties, establish a tuberculosis sanatorium, may annually levy a tax on all taxable property in the county of not to exceed 1 mill on the dollar, for the construction, improvement, equipment and enlargement of such sanatorium, and the improving and enlarging of the site thereof, but in no case shall an annual levy in excess of such 1 mill be made therefor without authority conferred by a vote of the voters of said county.

SEC. 2. Levy not to exceed 2 mills.—The county sanatorium commission shall determine by resolution each year prior to July 1, the amount of money necessary for the maintenance of such sanatorium during the following year, and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed 2 mills on the dollar of assessed valuation.

SEC. 3. Electors may increase limit.—In no case shall the total levy made for all purposes as expressed in sections 1 and 2 in any one year exceed 2 mills on the assessed valuation, without authority conferred by a vote of the voters of said county or group of counties.

SEC. 4. Application.—This act shall apply only to such counties as now or which may hereafter have a population 400,000 or more inhabitants.

County Tuberculosis Hospitals—Admission of Patients. (Ch. 19, Act Feb. 14, 1923)

SECTION 1. Tuberculosis sanatoriums—Residence, how admitted—Duties of superintendent.—That section 723, General Statutes of Minnesota, 1913, be amended so as to read as follows:

"SEC. 723. Any resident of a county or counties maintaining a tuberculosis sanatorium who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may apply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall when conditions so warrant admit said person to such sanatorium for care and treatment. Preference shall be given to patients in the most advanced stages of the disease except that applications of residents of a county or counties where a sanatorium is located shall always have precedence over applications of non-residents, regardless of the stage of the disease of such nonresident applicants. The superintendent of each county sanatorium shall keep lists of applications (resident and nonresident) numbered respectively in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list then to the applicant who is first upon the nonresident list, an order for examination directed to one of the county examiners of the State sanatorium to determine that said applicant is afflicted with tuberculosis. The fee for each examination by an examining physician shall be \$3, payable out of the funds of the sanatorium for which the examination is made.

Indigent Patients in County Tuberculosis Hospitals—Medical Treatment of, when Afflicted with Sickness Other than Tuberculosis—Payment of Expense of Such Treatment. (Ch. 17, Act Feb. 14, 1923)

SECTION 1. Certain persons to receive medical attention.—When a patient in a county tuberculosis sanitarium becomes afflicted with sickness other than tuberculosis, and is in need of immediate medical attention and is without means, the superintendent of such sanitarium may provide the necessary medical attention, and the expense thereof shall be paid by the sanitarium district, in the same way as maintenance expenses are paid. Such expense, when paid, shall be a charge against the relatives of the person responsible therefor, and if there are no such relatives, then against the place of settlement of such patient, as defined by chapter 128, Laws 1919. Expense chargeable against the place of settlement shall be presented to the governing body thereof, in the form of an itemized, verified claim. Such body, if satisfied that the claim accurately sets forth the expense incurred and paid by the sanitarium district, shall allow the same and direct an order or warrant to issue, as in the case of the allowance of other claims.

Physical and Health Education, Training, and Instruction—To be Given Pupils—Training Schools for Teachers Required to Provide Courses in—Appointment, Compensation, and Duties of State Director of Physical and Health Education and Training. (Ch. 323, Act Apr. 18, 1923)

SECTION 1. Physical education in public schools.—There shall be established and provided in all the public schools of this State physical and health education, training and instruction of pupils of both sexes, and every pupil attending any such school, in so far as he or she is physically fit and able to do so, shall take the course or courses therein as provided by this act. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils: *Provided*, That nothing in this act shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment.

SEC. 2. Training schools for teachers to provide courses.—All colleges, schools, and other educational institutions in this State giving teacher training shall provide a course or courses in physical and health education, training, and instruction, and every pupil attending any such college, school or educational institution in preparation for teaching service shall take such course or courses.

SEC. 3. *Commissioner of education to supervise act.*—The commissioner of education shall supervise the administration of this act and shall prescribe the necessary course or courses in physical and health education, training and instruction, and make such rules and regulations, and prepare or cause to be prepared, published and distributed any such manual or manuals of instruction, or course or courses of study, or other matter as he may deem necessary or suitable to carry out the provisions thereof.

SEC. 4. *State director—Salary.*—The State board of education shall appoint at a salary of not to exceed \$3,000 per annum a State director of physical and health education and training, competent and qualified to, and who shall under the direction of the commissioner of education, administer, supervise and direct the program of physical and health education and training provided for by this act.

Regulations of State Board of Health—Adoption, Alteration, Enforcement, and Effect—Specification of Matters which May be Controlled by. (Ch. 227, Act Apr. 11, 1923)

SECTION 1. *State board of health, general and special rules.*—That section 4640, General Statutes, 1913, as amended by chapter 345,¹ Laws 1917, is hereby amended to read as follows:

"Sec. 4640. The board may adopt, alter, and enforce reasonable regulations, of permanent application throughout the whole or any portion of the State, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

"1. The manufacture into articles of commerce, other than food, of diseased, taintor [tainted], or decayed animal or vegetable matter;

"2. The business of scavenging and the disposal of sewage;

"3. The location of mortuaries and cemeteries, and the removal and burial of the dead;

"4. The management of lying-in houses and boarding places for infants, and the treatment of infants therein;

"5. The pollution of streams and other waters, and the distribution of water by private persons for drinking or domestic use;

"6. The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

"7. The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

"*Provided*, That neither said State board of health, or any local board of health, or director of public health, shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution, of any person suffering from any such communicable disease or venereal disease infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which said sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board.

"7 A. The prevention of infant blindness and infection of the eyes of the newly born by the designation of a prophylactic to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant.

"8. The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated. But no rule of the State board or of any public board or officer shall at any time compel the vaccination of a child, or shall exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated. Any person thus required to be vaccinated

¹ Supplement 37 to Public Health Reports, p. 236.

may select for said purpose any licensed physician, and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

"9. The accumulation of filthy and unwholesome matter to the injury of the public health, and the removal thereof; and

"10. The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers, by physicians, undertakers, and others, of births, deaths, causes of death, and other pertinent facts;

"11. The construction, equipment and maintenance in respect to sanitary conditions of lumber camps and other industrial camps.

"12. The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases, and to that end may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the State board may require or give, and under the supervision of the State board shall enforce such regulations."

Local Boards of Health and Health Officers—Performance of Duties by, Under Supervision and Direction of State Board of Health. (Ch. 92, Act Mar. 26, 1923)

SECTION 1. Duties of local boards of health—Penalties.—Section 4644 of the General Statutes of Minnesota for 1913 is hereby amended to read as follows:

"Sec. 4644. All local boards of health and health officers shall make such investigations and reports, and obey such directions concerning communicable diseases, as the State board may require or give; and, under the general supervision of the State board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced. When the state board shall have reason or cause to believe from its records or any other information in its possession that the provisions of this section are being or have been violated, the State board shall advise the attorney general thereof giving the information in support of such belief, and the attorney general, or under his directions, the county attorney of any county in which the violation occurs shall forthwith institute proceedings for the enforcement of the provisions of this section and for the punishment of the violation thereof. Every member or officer refusing or neglecting to perform any duty imposed upon him by or pursuant to this chapter, or by any statute, ordinance, or by-law relating to the public health, shall be guilty of a misdemeanor."

Filled Milk—Manufacture or Sale of, Prohibited. (Ch. 126, Act Apr. 3, 1923)

SECTION 1. Sale of filled milk prohibited.—It shall be unlawful for any person, firm, or corporation, by himself, his employee or agent, or as the employee or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, condensed or evaporated cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever.

Sec. 2. Violations and penalties.—Any violation of any of the provisions of this act is hereby declared to be a misdemeanor and any person, whether individually or as a member of a partnership or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than \$50 nor more than \$100.

Sec. 3. Dairy and food commissioner to enforce laws.—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors, or agents, shall be charged with the enforcement of the provisions of this act.

Sec. 4. Not to affect interstate commerce.—Nothing in this act shall be construed to prohibit the shipment into this State from a foreign State and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles, the manufacture, sale, or exchange of which or possession of which, with intent to sell or exchange is prohibited hereby.

Sec. 5. This act shall be in force and take effect ninety days after its passage.

Butter—Use of Official Stamp, Brand, or Label in Connection with the Manufacture or Sale of. (Ch. 172, Act Apr. 10, 1923)

SECTION 1. Certain sections of chapter 495 of Laws 1921 repealed—Lieu sections.—That sections 56, 57, 58, 59, 60, 61, 62, 63, chapter 495, Laws 1921, be and the same are hereby repealed and the following sections are hereby inserted in lieu thereof:

SEC. 56. Butter and cheese brands.—Any person manufacturing butter in the State of Minnesota may use the stamp, brand, or label hereinafter provided when authorized by the dairy and food commissioner.

SEC. 57. Minnesota brands.—The dairy and food commissioner may authorize the use of the following stamp, brand, or label for butter manufactured in the State of Minnesota. Such stamp, brand, or label shall have the design and shall be of such size as the dairy and food commissioner shall adopt and designate, and shall contain the following words: "Minnesota fancy creamery butter, 92 points. If not up to grade, notify Minnesota dairy and food commission. No.——(insert factory number)."

SEC. 58. Dairy and food commissioner may authorize brands in certain cases.—The dairy and food commissioner may authorize the use of such stamp, brand, or label only by such persons manufacturing butter who comply with the following rules:

(a) Cream must be received from all patrons at least three times per week from the 1st day of May up to and including the 30th day of September in each year, and not less than two times per week from the 1st day of October to and including April 30 thereafter.

(b) Cream must be delivered in good condition, in individual producer's cans, and when delivered must not show an acid test above three one-hundredths of 1 per cent.

(c) After such cream has been delivered to the creamery or factory it shall be pasteurized at a temperature of at least 145° Fahrenheit, vat pasteurization for at least thirty minutes, and in the flash system pasteurization at a temperature of at least 180° Fahrenheit.

(d) Butter made from such cream at such factory or creamery shall score at least 92 per cent at the time of manufacture and within fifteen days thereafter.

SEC. 59. Application for license and penalty.—Any person desiring to use the stamp, brand, or label described in this act in the manufacture or sale of butter shall make written application for a license therefor to the dairy and food commissioner, which application shall describe the creamery or factory by location and name in which such butter is to be manufactured, and give such other information as the dairy and food commissioner may require. A license may be granted by such commissioner to such person to use such stamp, brand, or label at the creamery or factory described in the application, if the commissioner shall find, on investigation, that all the provisions of law have been complied with. Such license shall state that the stamp, brand, or label provided for in this act may be used in connection with the manufacture or sale of butter from the creamery or factory described in such license. Such creamery or factory so described shall be given the same number as the serial number of the license.

No person shall use, in the manufacture or sale of butter, such stamp, brand, or label without first having obtained a license therefor. Such license so granted may be revoked by the dairy and food commissioner if any of the provisions of this act are not complied with. All licenses shall be numbered in serial order. All applications for license shall be accompanied by a fee of \$5, which fee shall be returned to the applicant in the event no license is granted.

SEC. 60. Complaint—Investigations—Licenses revoked.—Whenever complaint is made in writing to the dairy and food commissioner as to the quality of any butter sold bearing the stamp, brand, or label described in this act, the dairy and food commissioner shall upon receipt of such complaint immediately make investigation, and if such persons licensed to use such stamp, brand, or label have not complied with, or refuses [refuse] to comply with, the rules and regulations of the dairy and food commissioner and with the laws relative thereto and if such butter is found to be of an inferior quality to that prescribed by such laws, rules, and regulations, the license to use such official stamp, brand, or label shall be revoked and such official stamp, brand, or label shall be surrendered to and taken by dairy and food commissioner.

SEC. 61. Violation and penalties.—Any person, firm, corporation, or copartnership who shall use the official stamp, brand, or label mentioned in this act or

any similar stamp, brand, or label on any package of manufactured butter without first having obtained a license therefor from the State dairy and food commissioner shall be guilty of a gross misdemeanor.

Butter Made in Whole or in Part from Neutralized Cream or Milk—Labeling.
(Ch. 175, Act Apr. 10, 1923)

SECTION 1. *Certain butter compounds must be labeled.*—No person shall sell or offer or expose for sale or have in possession with intent to sell or offer or expose for sale, any butter in whole or in part made from neutralized cream or milk unless the words "Made from neutralized cream (or milk)" shall be printed, marked, or stamped on each receptacle, package, or wrapper in which such butter is offered or exposed for sale or is sold, in letters at least one-fourth of an inch wide and one-half of an inch high; and if such butter is offered or exposed for sale, uncovered or not in a receptacle, package, or wrapper, than a placard containing the words "Made from neutralized cream (or milk)" printed, stamped, or marked thereon in style and manner aforesaid, shall be attached to the mass or butter in such manner as to be easily seen and read by the purchaser.

SEC. 2. *Violation a misdemeanor.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 3. *Dairy and food commissioner to enforce act.*—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is made the duty of every prosecuting attorney to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be commenced and prosecuted without delay in the proper courts for enforcement of the penalties hereof.

SEC. 4. *Effective July 1, 1923.*—This act shall take effect and be in force from and after July 1, 1923.

Oleomargarine and Substitutes for Butter—Butter Fat not to be Used in the Manufacture of. (Ch. 10, Act Feb. 2, 1923)

SECTION 1. *Butter fat not to be used in substitutes.*—No person, firm, or corporation shall mix, compound, or use any butter fat with or to any oleomargarine or any article or product containing animal or vegetable oils and intended for use as a butter substitute, except that skimmed milk or buttermilk may be used in the churning or manufacture of oleomargarine or other similar product. Violations of this act shall be a misdemeanor and shall be punished accordingly.

Substitutes for Butter—Use of Certain Words or Representations in Connection with the Sale or Advertisement of, Prohibited. (Ch. 116, Act Mar. 31, 1923)

SECTION 1. *Manufacturers of butter substitutes not to use certain words in advertising.*—No person shall use in any way in connection or association with the sale or offering or exposure for sale or advertisement of any substance designed to be used as a substitute for butter the word "butter," "creamery," or "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

SEC. 2. *Violation a misdemeanor.*—Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor.

SEC. 3. *Dairy and food commissioner to enforce act.*—The dairy and food commissioner shall cause the provisions of this act to be enforced, and to that end he shall exercise all power and authority conferred upon him by the provisions of chapter 495, Laws 1921, known as the "Minnesota dairy and food law." It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be instituted in the proper courts and prosecuted without delay for enforcement of the penalties herein specified.

Certain Cream Cans or Receptacles—Sterilization with Live Steam under Pressure Required. (Ch. 173, Act Apr. 10, 1923)

SECTION 1. *Milk and cream cans must be sterilized.*—All persons receiving, buying, or handling cream for use either locally or after shipment in the manufacture of butter or cheese, in cans or other receptacles which are to be returned to the senders or sellers, shall thoroughly sterilize all such cans and receptacles with live steam under pressure before returning them to the senders or sellers.

SEC. 2. Violation a misdemeanor.—Every person who shall violate or fail or refuse to comply with any provision of this act shall be deemed guilty of a misdemeanor.

SEC. 3. Dairy and food commissioner to enforce provisions of act.—The dairy and food commissioner shall cause the provisions of this act to be enforced, and it hereby is made the duty of every prosecuting officer to whom the commissioner shall report any violation of or failure or refusal to comply with any of its provisions to institute and prosecute without delay appropriate proceedings in the proper courts for enforcement of the penalties herein prescribed therefor.

SEC. 4. Effective January 1, 1924.—This act shall take effect and be in force from and after January 1, 1924.

Drug Addicts—Compulsory Treatment of. (Ch. 235, Act Apr. 11, 1923)

SECTION 1. Compulsory treatment for habitual users of narcotics.—That whenever an affidavit duly verified by a person claiming to have knowledge of the facts and setting forth that with resulting injury to his health any person named or described therein is a habitual user, otherwise than under the direction of a duly licensed and practicing physician, of opium, or cocoa [sic] leaves or any compound, manufacture, salt, derivative, or preparation thereof, shall be filed with the county attorney of any county in which such alleged habitual user is or may be found, such county attorney under his hand shall issue a notice requiring the person so named or described to appear before a judge of the district court of the county in chambers at a time and place specified in such notice, and shall cause a copy thereof to be served by the sheriff upon the person so named or described not less than two days before the dates [sic] specified for such appearance. The affidavit and the original notice with proof of service shall be filed with the clerk of court at or before the time specified for such appearance, but the same and the other records and files of the proceeding shall be open for inspection only by the person named or described therein or his counsel and by public officers.

SEC. 2. Hearings—Orders.—That at the time and place specified in the notice, the person named or described in such notice, or his counsel being present, the judge shall hear the evidence presented, and upon being satisfied that the allegations contained in the affidavit are true, shall make and file an order requiring such habitual user forthwith to take and continue until otherwise ordered by the court, treatment for the cure of said habit, at a private institution to be selected by the user and approved by the judge if the user is able to pay therefor, otherwise at some public institution selected by the judge, and at the expense of the county. In either case the order shall further require reports to be made to the court at stated intervals therein specified, by said person and by the physician or superintendent in charge, as to the effect and progress of the treatment. A copy of the order forthwith shall be served upon said user.

SEC. 3. Violations of orders to be contempt of court.—Any person named or described in a notice so issued by the county attorney and duly served upon him and who shall fail, refuse, or neglect to appear at the time and place therein specified, and any person named or described in the order so made and served and who shall fail, refuse, or neglect to comply with the terms and conditions of such order shall be deemed guilty of contempt of the court and shall be proceeded against accordingly.

Cattle—Testing and Physical Examination of, for Tuberculosis in Counties. (Ch. 269, Act Apr. 16, 1923)

SECTION 1. County board to appropriate money for cattle testing.—The boards of county commissioners of the several counties of this State are hereby authorized upon petition of a majority of the persons owning cattle in the county, as shown by the last preceding assessment roll in the auditor's office, to appropriate out of the funds of the county not otherwise appropriated a sum of money not exceeding 25 cents per head of cattle for each tuberculin test that may be administered until the percentage of tuberculous cattle within the county is reduced to meet the requirements of a "modified accredited area" as defined and approved by the United States Department of Agriculture and the State livestock sanitary board of Minnesota, for the purpose of aiding in the testing of cattle in the county for tuberculosis and of carrying out sanitary and quarantine regulations. When there are no funds available for such an appropriation, a tax shall be levied in a sufficient amount for the purpose, and after the levy

thereof orders may be issued against such tax and in anticipation of its collection. All such money shall be expended under the direction and supervision of the State livestock sanitary board and shall be disbursed on vouchers verified by the executive officers of said board, and in cases where the United States Department of Agriculture, Bureau of Animal Industry, is a party to a cooperative agreement with the county for the control of tuberculosis in cattle, by the Federal inspector in charge, as hereinafter provided.

SEC. 2. *Livestock sanitary board to make tests.*—Thereafter such county board shall apply to the State livestock sanitary board for the testing of all cattle in the county on the "county area" plan, and it shall then become the duty of the State livestock sanitary board to enter into an agreement with the county commissioners of said county to cause the testing of all cattle in the county for tuberculosis, provided funds are available for the payment of indemnities as required by law, and provided also that an adequate force of veterinarians qualified to test cattle as required are available. Such agreement shall specify such quarantine rules and regulations as the State livestock sanitary board may deem advisable relative to the control of tuberculosis among cattle in such county.

SEC. 3. *Subsequent tests to be made without expense.*—After a county has been certified as a "modified accredited area," subsequent tests of cattle in the county and retests of infected herds shall be made in the discretion of the State livestock sanitary board, and such tests and retests shall be without expenses [sic] to the county.

SEC. 4. *Federal aid.*—For the purpose of receiving Federal aid, the United States Department of Agriculture, Bureau of Animal Industry, may be a party to the cooperative agreement between the State livestock sanitary board and the board of county commissioners.

SEC. 5. *Counties may be certified as modified accredited area.*—When the percentage of tuberculosis cattle within a county is reduced to meet the requirements of a "modified accredited area," the State livestock sanitary board shall apply to the United States Department of Agriculture for a certification of said county as a "modified accredited area."

SEC. 6. *Owners of cattle shall submit them for tests.*—Whenever a cooperative agreement as above referred to has been made, the owners of cattle in such county shall submit the same for tuberculin tests and physical examinations, and shall cause to be slaughtered, under the direction of the State livestock sanitary board, within thirty days after the test or condemnation, all animals that react to the tuberculin test or are condemned after a physical examination. Each cooperative agreement entered into for the tests of cattle between a county, the State livestock sanitary board, and the Bureau of Animal Industry shall be registered, and tuberculin tests shall be administered to the cattle in any county in the order of the registration of such agreements. Definite quarantine rules and regulations shall be adopted and enforced by the State livestock sanitary board within the area covered by the cooperative agreement.

Cattle Affected with Tuberculosis or Foot-and-Mouth Disease and Glandered Horses—Appraisal—Destruction—Payments to Owners. (Ch. 319, Act Apr. 18, 1923)

SECTION 1. *Tubercular and glandered animals to be paid for.*—That section 4697, General Statutes 1913, as amended by chapter 485, Laws 1921, be and the same is hereby amended to read as follows:

"4697. (a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis or foot-and-mouth disease nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the State board, and are pronounced by him to be so diseased. And whenever any animal is killed because it is afflicted with either of said diseases, its cash value immediately before the killing, and the cash value of the carcass, if any, shall be fixed within twenty-four hours thereafter, by appraisers chosen in the manner prescribed in section 4695. The value of the carcass shall be deducted from that of the living animal, and two-thirds of the remainder shall be paid to the owner by the State: *Provided*, That no such animal shall be so appraised or paid for unless it be at least 1 year old, and has been, in good faith, owned and kept within the State for one year next before the date of condemnation by the board or a duly authorized representative of the board.

"(b) The owner of any animal, as provided in this act, shall be entitled to indemnity therefor as herein provided except in the following cases:

"1. Animals belonging to the United States.

"2. Animals belonging to institutions maintained by State, county or municipality.

"3. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession.

"4. Where the owner, or agent, has not complied with the rules and regulations of the livestock sanitary board with respect to animals condemned.

"5. When condemned animals are not destroyed within sixty days, except in the case of tuberculosis when they may be kept under quarantine not to exceed 150 days, after they have been determined to be affected with or exposed to a disease which required them to be destroyed by order of the livestock sanitary board.

"6. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, glanders, or foot-and-mouth disease, unless the entire herd of which such affected livestock is a part, or from which such affected livestock originated, shall be examined and tested under the supervision of the State livestock sanitary board, in order to determine if they are free from such diseases.

"7. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, glanders, or foot-and-mouth disease, unless the owner has carried out the instructions and regulations of the livestock sanitary board relating to the cleaning, disinfection, and rendering the stables and premises in a sanitary condition.

"8. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, if owner has fed milk or milk products derived from creameries and which have not been properly pasteurized as required by State laws and regulations."

Dead Bodies—Transportation. (Reg. Bd. of H., Effective Dec. 5, 1923)

35. A transit permit issued by the proper health authorities shall be required for each dead body transported by common carrier, and in certain cases when transported by auto or other conveyance in lieu of common carrier.

It shall contain a complete copy of the original death certificate on the standard death certificate form signed by the attending physician; a permit by city, village, or township health officer or chairman of township board; a transit label signed by the shipping embalmer and initial baggage agent.

That portion of the transit permit containing copy of the death certificate and permit of the local health officer shall be given to the passenger in charge of the corpse, or, if shipped by express, attached to the coffin box, and in either case delivered with the body at destination. That portion of the transit permit containing the shipping label shall be securely pasted or fastened on the end of the coffin box.

When the points of shipment and destination are separated by three or more intervening townships, villages, or cities, and said points are connected by common carriers having regular daily passenger, baggage, and express service, then in such cases a human dead body that is to be transported between said points by automobile, wagon, or in any manner other than by railway train, shall be prepared in the same manner as when shipped by common carrier, and the regular transit permit shall be made out and shall accompany the body as herein provided.

Before selling tickets agents must carefully examine the transit permit and note the name of the passenger in charge and of any others proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of the disease. The transit permit shall specifically state who is authorized by the health authorities to accompany the remains. In all cases where bodies are forwarded under rule 36, notice must be sent by telegraph by the shipping embalmer to the health officer, or, when there is no health officer, to other competent authority at destination advising the date and train on which the body may be expected.

Water-Tight Privy Vaults—Disinfection and Removal of Contents. Earth Pit Privy Vaults—Required to be Abandoned before Entirely Filled—Covering of Contents with Earth when Abandoned. (Reg. Bd. of H., Effective Oct. 26, 1923)

225. Permanent privy vaults which are of water-tight construction must be cleaned out at least once a year and at such other times as may be considered necessary by the local health officer. The contents of these vaults shall be disinfected with chloride of lime or some other equally efficient disinfectant before it is removed.

Earth pits used as privy vaults shall be abandoned before they are entirely filled. A new pit shall be dug, over which the privy building shall be moved, and the contents of the old privy vault shall be covered with at least 1 foot of earth.

Plants for the Destruction of Garbage and Refuse—Certain Cities Authorized to Issue Bonds for the Acquisition of Sites for, and the Construction and Equipment of. (Ch. 176, Act Apr. 10, 1923)

SECTION 1. Bond issue authorized in cities of first class.—The governing body of any city of this State now or hereafter having a population of more than 50,000 inhabitants operating under home-rule charters under the provisions of section 36, article 4, of the State constitution is hereby authorized and empowered, for the purposes herein designated, to issue, from time to time as needed, the negotiable bonds of their respective cities to an amount in the aggregate not exceeding \$58,000; said bonds to be made in such denomination and payable at such places and at such times, not exceeding thirty years from the date thereof as may be deemed best, and to bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor and upon the best terms that can be obtained for said bonds: *Provided*, That no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon: *Provided*, That this act shall not supersede the provisions of the charter of any city providing for the referendum of ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the charter of any city making the action of the council subject to approval of a board of estimate and taxation, nor with the provisions of any such charter prescribing a particular method of authorization of such bonds.

SEC. 2. Tax levy.—The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act, and for the payment of the current interest thereon, and said governing body of such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

SEC. 3. Form of bond—Manner and time of sale.—All bonds issued under authority of this act shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk and countersigned by the city comptroller or city auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportions of the whole amount authorized by this act and at such times as may be determined by the said governing body of such city.

SEC. 4. Disposition of proceeds.—The proceeds of any and all bonds issued and sold under authority of this act shall be used only for the purpose of acquiring a site, constructing and equipping plants for the destruction of garbage and other refuse, and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified.

SEC. 5. Not to affect charter provision.—Nothing herein contained shall be construed to repeal or modify the provisions of any charter adopted pursuant to section 36, article 4, of the constitution of this State requiring the question of the issuance of bonds to be submitted to a vote of the electors.

SEC. 6. Powers additional.—The powers granted in this act are in addition to all existing powers of such cities.

Industrial Camps—Sanitary Requirements. (Reg. Bd. of H., Effective Dec. 5, 1923, and Oct. 1, 1924)

231. *Definition of camp.*—The term "camp" as used in these regulations shall include any lumber camp or other industrial camp where ten or more men are employed and housed in temporary quarters, such as cars, wagons, tents, buildings, or other inclosures other than the bona fide homes of the employees, but shall not include buildings used as hotels, restaurants, lodging houses, boarding houses, and places of refreshment, as defined in section 1, chapter 499, of the hotel inspection laws of Minnesota.

232. *Camp site.*—Every camp shall be located on a site that is well drained, and if occupied during the months of June to October, inclusive, as far as practical from any swamp or pool of stagnant water.

233. *Arrangement of buildings.*—The buildings shall be so arranged on the camp site that the stables shall be separated from the kitchens, dining, eating, living, and sleeping quarters by a distance of at least 100 feet. The stables shall be located so that the surface drainage from the stables will not be in the direction of the kitchen, dining, eating, living, and sleeping quarters.

234. *Sleeping quarters (cubic contents).*—Every temporary building, car, wagon or other inclosure, except tents, occupied as sleeping quarters by the employees engaged in any camp or works shall contain at least 225 cubic feet of air space for every occupant thereof, and with the exception of tents, shall be supplied with windows for purposes of light and ventilation. These windows shall be constructed so that they can be easily opened. They shall be of such a size that the total net window area will not be less than 5 per cent of the floor area of the room. The windows shall be so constructed that 2 per cent of the floor area can be opened, and shall be so located that all parts of the structure are properly ventilated. Tents having canvas walls and roof should be supplied with wooden floors corresponding in size with the dimensions of the tents. The canvas sides may be fastened to the edges of the floor. A doorframe of wood should be set up in the end of the tent where the opening is provided and fitted with a board or screen door, as the season demands. No windows will be required in tents.

235. *Screens.*—The kitchen, dining, eating, living, and sleeping quarters used during the months of June to October, inclusive, must be effectively screened with full screens on the windows and self-closing doors to keep out flies and mosquitoes. The screen shall not be larger than a 14-mesh screen. All food supplies must be kept in a sanitary condition and carefully screened and protected against flies, vermin, and dust, at all times.

236. *Floors.*—All kitchen, dining, eating, living, and sleeping quarters shall be provided with floors of wood, concrete or some equally good material. If the floors are of wood and constructed above the ground surface, they shall be built of matched lumber or ship lap in two layers of 1-inch boards laid crosswise or one layer of 2-inch ship lap or matched lumber, except where the side walls of the building are built down to contact with the ground surface in such a manner as to exclude flies or vermin, from under the building, or where an earth embankment has been placed around the building to or above the floor level to accomplish the same result when it shall be permissible to construct wood floors of one layer of unmatched boards or planks. It is understood that where floors are constructed upon the ground surface, the floor boards may be fastened to joists or sleepers, the upper edges of which should be flush with the ground surface.

237. *Bunks.*—Bunks shall be at least 12 inches above the floor, and shall be arranged so that at least one side is accessible for the purpose of being made up. The bunks shall be constructed of iron. The use of double bunks purchased or acquired on or after January 1, 1924, is prohibited in any camp. The bunks shall be furnished with clean straw or hay, or ticks filled with hay or straw, or mattresses. If mattresses are used, they shall be provided with slips. Clean dry straw or hay for bedding shall be available at all times. Every time a different individual occupies the bunk, clean, dry straw or hay, clean mattress slips, and blanket should be provided. If pillows are used, they shall be provided with clean pillow slips. Pillow slips used by one individual shall be washed at least once each week. Blankets should be hung outside for airing at least once each week. Not more than one man shall be required to sleep in each bunk at the same time.

238. *Cleaning of quarters.*—There must be a thorough and systematic scrubbing of kitchen, dining, eating, living, and sleeping quarters at least once each week. The floors must be swept daily. Dry sweeping is not permitted.

239. *Heating.*—Kitchen, dining, eating, living, and sleeping quarters that are occupied during the months of September to April, inclusive, shall be heated by means of suitable stoves, furnaces, steam or hot water plant of sufficient capacity to heat these quarters to a temperature of not less than 70° F. during the coldest weather.

240. *Water supply.*—The camp shall be provided with an adequate water supply of good sanitary quality from a source which will meet with the requirements of the Minnesota State board of health. The water supply may be used from a municipal system, provided such a system has been installed and is operated in such a manner as to meet with the requirements of this board. If a supply from an approved municipal source is not available, a supply shall be obtained from a well, spring or other source which must be located, constructed,

and operated in accordance with the requirements of this board for a safe water supply.

241. *Toilets.*—Water-flush toilets are preferable wherever water under pressure is available for the operation of such toilets, provided a municipal sewerage system is available at the camp site or where conditions are such that a sewage disposal plant or cesspool can be operated. Privies of the pit type may be used. The privies shall be fly-tight and the doors shall be self-closing. All toilets and privies must be well ventilated and lighted and provided with some means of artificial lighting at night. These toilets and privies shall be maintained in a clean and sanitary condition. The contents of the privy vaults shall be liberally sprinkled with dry earth, chlorinated lime or lime once each day during the period when the privies are in use during the months of June to October inclusive. Toilets and privies shall be supplied with paper at all times. Toilets of the privy or pit type shall be located at least 100 feet from the kitchen, dining, eating, living, and sleeping quarters. Privies shall be located so that the surface drainage from them is not in the direction of the water supply, or the kitchen, dining, eating, living, and sleeping quarters. Toilet facilities shall be provided in the following ratio: When there are 100 or less persons on a shift employed, there shall be one seat for every 10 persons; when there are 100 to 500 persons on a shift there shall be one seat to every 15 persons; when there are 500 to 1,000 persons on a shift there shall be one seat to every 20 persons on a shift; and when there are over 1,000 persons on a shift there shall be one seat to every 30 persons on a shift.

When there are more than 100 men employed on a shift there shall in addition to the seats required by this section, be provided one urinal for every 50 men.

Urinals shall be either individual or slab urinals. At least 2 feet of slab urinal shall be considered the equivalent of one individual urinal.

Separate toilet facilities shall be provided for men and women.

242. *Refuse, garbage, and manure.*—All garbage shall be collected in water-tight metal cans provided with tightly fitting metal covers and disposed of daily by burning, burying, feeding to hogs, or by hauling it away and dumping at some remote place. If dumped, the dumping ground shall be located at least one-half mile from the camp site, or any other human habitation. Noninflammable refuse, such as tin cans, shall be collected daily and placed in a deep earth pit and covered with oil and burned over. During the winter season, this material, as well as the garbage may be deposited at a point at least 100 feet from the kitchen, dining, eating, living, and sleeping quarters of the camp and then properly cared for by one of the methods above described at the first opportunity in the spring.

Manure shall be removed from the camp site at least once a week during the months of June to October inclusive. All areas of stable floors on which manure is deposited must be sprinkled daily with lime.

243. *Waste water, slops, etc.*—Waste water, slops, etc., from the kitchen, dining, eating, living, and sleeping quarters, shall be disposed into a cesspool or in some other manner where they will not create a nuisance or create a breeding place for flies.

244. It shall be the duty of every person, copartnership, public or private corporation or association, establishing, operating or having control of any lumber or other industrial camp to carry out the provisions of these regulations.

245. All of the provisions of these regulations shall be effective on and after passage, with the exception of the provisions included under the following headings: Camp site, arrangement of buildings, sleeping quarters, and bunks. These shall become effective on and after October 1, 1924.

Public Tourist Camping Grounds—Cities, Villages, Towns, and Boroughs Authorized to Establish, Operate, and Maintain—Restrictions on Expenditures for. (Ch. 277, Act Apr. 16, 1923)

SECTION 1. *Certain municipalities may provide tourist camps.*—That all cities, villages, towns, and boroughs in the State of Minnesota are hereby authorized and empowered to establish and maintain public tourist camping grounds, and the city council or other legislative or governing body thereof is hereby empowered to acquire by lease, purchase, or by gift suitable lands located either within or without the corporate limits for use as such public tourist camping grounds and to provide for the equipment, operation, and maintenance of the same: *Provided, however,* That the amount expended for the acquisition of any such public tourist camping grounds shall not exceed the sum of \$6,000: *And provided*

further, That the amount that may be expended for the maintenance, improvement, or operation of such tourist camping grounds shall not exceed in any one year a sum equal to the amount which may be raised by a 1-mill tax upon the taxable property of such municipality, and in no event to exceed the sum of \$5,000 per annum.

Tourist Camps—Water Supply—Toilets—Garbage and Refuse Disposal—Location. (Reg. Bd. of H., Effective May 23, 1923)

230. Every person, organization, or municipality establishing or having control of a tourist camp shall provide such camp with an adequate water supply, toilet facilities, refuse disposal, camp site, as follows:

Water supply.—Every tourist camp shall be provided with an adequate supply of water of good sanitary quality from a source which will meet the requirements of the Minnesota State board of health as to sanitary location, construction, and operation. The water supply may be used from a municipal system provided such a system has been installed and is operated in such a manner as to meet with the requirements of this board. If a supply from an approved municipal source is not available, a supply shall be obtained from a well or spring or other source which must be located, constructed, and operated in accordance with the requirements of this board for a safe water supply. A water supply shall be easily obtainable from a faucet on the municipal system or from a well, spring, or other source, as above described, at a point not more than 400 feet from the portion of the tourist camp actually used by the tourists for camping purposes.

Toilets.—Water-flush toilets shall be provided wherever a municipal sewerage system is available or where conditions are such that a sewage disposal plant or cesspool can be operated and water under pressure is available for the operation of water-flush toilets. Privies may be used where no municipal sewerage system is available or where the conditions are such that a sewage disposal plant or cesspool can not be operated satisfactorily or where water under pressure is not available. These privies should be of the pit type and fly-tight. All toilets and privies must be well ventilated and lighted and provided with some means of artificial lighting at night. These toilets and privies shall be maintained in a clean and sanitary condition. The contents of the privy vaults shall be sprinkled with dry earth, chlorinated lime, or lime at least twice each week during the period when the privies are in use. Toilets and privies shall be supplied with toilet paper at all times. Separate toilets shall be provided for men and women. The location of all toilets shall be plainly indicated by suitable signs. The toilets shall be located at a distance not more than 400 feet from the sleeping quarters.

Refuse disposal.—Suitable galvanized-iron garbage cans with covers shall be provided at convenient points for the disposal of garbage and refuse. The contents of these cans shall be removed daily and the material disposed of in a suitable manner so as not to create a nuisance or provide a breeding place for flies. The cans shall be thoroughly washed.

Camp site.—Every tourist camp must be located on a site that is well drained and shall be selected with regard to its healthfulness.

Noxious Weeds—Cutting, Eradication, or Destruction. (Ch. 318, Act Apr. 18, 1923)

SECTION 1. *Commissioner to administer and enforce regulations.*—The commissioner of agriculture is hereby authorized and it shall be his duty to execute this law, and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the subject of noxious weeds, and to that end may require information from any local weed inspector, mayor, county commissioner, county agent, or village or borough president as to the presence of noxious weeds or other information relative to noxious weeds and their control in the localities where such officer resides or has jurisdiction; said commissioner shall also suggest and formulate methods for the eradication and removal of noxious weeds from agricultural and other lands in this State, and to that end he may from time to time publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weed[s], and in other ways may conduct such an educational campaign as he considers desirable.

SEC. 2. *This act may be cited and known as the "noxious weeds act"—How designated—Interpretation and definitions.*—In this act, unless the context otherwise requires, the expression—

- (a) "Municipality" means a township, city, village, or borough.
- (b) "Nonresident lands" shall refer to all lands which are unoccupied, and the owner of which does not reside within the county.
- (c) "Resident lands" shall refer to all lands which are occupied or which are owned by persons resident within the county.
- (d) "Noxious weeds" means the annual, biennial, and perennial plants herein named under Classes I and II and such other plants as are or may be injurious to health or crops.

CLASS I

COMMON NAME	BOTANICAL NAME
Perennial sow thistle.	<i>Sonchus arvensis</i> L.
Annual sow thistle.	<i>Sonchus oleraceus</i> L.
Spiny sow thistle.	<i>Sonchus asper</i> L.
Russian thistle.	<i>Salsola kali</i> (var <i>tragus</i>) L.
Canada thistle.	<i>Carduus arvensis</i> L.
Ox-eye (white) daisy.	<i>Chrysanthemum leucanthemum</i> L.
Doddgers.	<i>Cuscuta</i> Sps.
Common barberry.	<i>Berberis vulgaris</i> L.

CLASS II

Leafy spurge.	<i>Euphorbia esula</i> L.
Blue lettuce.	<i>Lactuca pulchella</i> P.
False flax.	<i>Cameline sativa</i> L.
Wild (common) mustard.	<i>Brassica arvensis</i> L.
Tumbling mustard.	<i>Sisymbrium altissimum</i> L.
Hare's ear mustard.	<i>Conringia orientalis</i> L.
French (stink) weed.	<i>Thlaspi arvense</i> L.
Wild oats—varieties.	<i>Avena</i> Sps. L.
Quack grass.	<i>Agropyron repens</i> L.
Curled (yellow or sour) dock.	<i>Remex crispus</i> L.
Burdock.	<i>Arctium minus</i> schk.
Toad flax (butter and eggs).	<i>Linaria vulgaris</i> Hill.
Cocklebur.	<i>Xanthium</i> Sps. L.
Giant ragweed.	<i>Ambrosia trifida</i> L.
Common ragweed.	<i>Ambrosia artemisiæfolia</i> L.
Wild (pea) vetch.	<i>Vicia angustifolia</i> L.
Buckhorn (plantin).	<i>Plantago lanceolata</i> L.

SEC. 3. *Occupant or owner of land to destroy noxious weeds.*—Except as herein otherwise specifically provided, it shall be the duty of every occupant of land, or if the land is unoccupied, the owner thereof or his duly accredited resident agent, to cut down, eradicate, or otherwise destroy all noxious weeds standing, being, or growing upon such land and upon the adjacent one-half of every road or highway immediately adjoining such lands, in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

SEC. 4. *Railroad companies to destroy on right of way.*—It shall be the duty of every railroad company and of every suburban railway company to cause all noxious weeds standing, being, or growing on the right of way or on land of the company adjoining the right of way, to be cut down, eradicated, or otherwise destroyed in such manner and at such times as may be directed or ordered by the local weed inspector or by the commissioner.

SEC. 5. *Cutting on highways, roads, streets, alleys, and public grounds.*—(a) It shall be the duty of the State highway commissioner at the cost of the State trunk highway maintenance fund annually to cause all noxious weeds growing, being, or standing on all State trunk highways not within the limits of a municipality to be cut down, eradicated or otherwise destroyed between the 15th day of May and the 15th day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner as may be directed or ordered by the commissioner or by the local weed inspector having jurisdiction.

(b) The chief executive and governing board of each municipality annually shall cause to be cut down, eradicated, or otherwise destroyed at the expense of the municipality all noxious weeds standing, being, or growing on all public grounds, roads, streets, and alleys within the limits of the municipality, between the 1st day of June and the 15th day of October next following as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

(c) The owners or occupants of lots or lands abutting on streets and alleys in municipalities shall annually cut down, eradicate, or otherwise destroy all noxious weeds growing, standing, or being between the curb line of the street or alley and the property line of their respective properties, between the 15th day of May and the 15th day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or ordered by the commissioner or by local weed inspector having jurisdiction.

SEC. 6. *Threshing machines and rigs to be cleaned before moving.*—It shall be the duty of every person owning or operating a threshing machine, immediately after completing the threshing of grain at each and every point of threshing, to clean or cause said machine to be cleaned, together with all wagons and other outfit used in connection therewith so that seeds of noxious weeds shall not be carried to or on the way to the next place of threshing by said threshing outfit.

SEC. 7. *Chairman of town board and president and mayors of municipalities to be local weed inspectors.*—(a) The board of county commissioners whenever requested by the commissioner may at their discretion appoint by resolution local weed inspectors whose duties shall be as may be prescribed by the commissioner. Such appointment shall be for full-time employment for a period of not less than five months from the 15th day of May to the 15th day of October following, both dates inclusive, except that at the discretion of the commissioner the period of employment may be terminated on or after the 30th day of September, and the resolution appointing such inspectors shall fix the compensation to be paid to the persons appointed, such compensation to be not more than 35 cents per hour and necessary traveling expenses in addition thereto. The jurisdiction of such local weed inspector[s] shall be coextensive with the county for which they were appointed. If said board of county commissioners refuse or neglect to make appointments as requested by the commissioner on or before May 15, 1923, and on or before March 1 each year thereafter, then in that event the chairman [chairmen] of the several town boards of the said county are authorized and it is hereby made their duty to act as local weed inspectors within their respective townships in accordance with the provisions of this act relative to local weed inspectors.

(b) The mayor or president of cities or other municipalities having a population of 5,000 inhabitants or more whenever the commissioner of agriculture shall so direct shall appoint one or more weed inspectors whose duties and compensation shall be as described in sections 7 and 8 of this act for local weed inspectors and their jurisdiction should [shall?] be coextensive with the municipality for which they are appointed.

SEC. 8. *Duties of local weed inspectors.*—(a) It shall be the duty of each local weed inspector between dates of May 15 and October 15, both inclusive, to examine all lands, highways, roads, alleys, and public grounds in the territory over which his jurisdiction extends for the purpose of ascertaining if the provisions of this act and the regulations of the commissioner are being complied with and if he finds that such is not the case he shall cause to be given forthwith a notice in writing on a form to be prescribed by the commissioner to the proper public officer or to the owner or occupant, or to the accredited resident agent of any nonresident lands within the township whereon noxious weeds are standing, being, or growing and in danger of going to seed, requiring him to cause the same to be cut down, eradicated, or otherwise destroyed on the lands in the manner and within the time specified in the notice, such time, however, not to exceed ten days. He shall also attend when so notified such conferences called by the commissioner of agriculture for the purpose of receiving instructions and for a full and free discussion of this act and its administration.

(b) If noxious weeds are found standing, being, or growing on nonresident lands, the local weed inspector shall post a notice in form provided by the commissioner of agriculture in a conspicuous place on said land and cause such notice to be once published in a newspaper, published in the municipality nearest to the lands involved, to the effect that noxious weeds are found on said lands and

must be cut down, eradicated, or otherwise destroyed within seven days from the date of publication of notice in accordance with the law, and in addition to posting and publishing said notice the local weed inspector shall at the same time mail a copy thereof to the owner of such nonresident lands, if his post-office address is known to or can be ascertained by said inspector from the last assessment lists in the county auditor's office. If the weeds are not cut down, eradicated, or otherwise destroyed within seven days from the date of publication, the local weed inspector shall cause the same to be cut down, eradicated, or otherwise destroyed.

(c) If noxious weeds are found standing, being, or growing on tax-exempt lands, the official or person in charge thereof shall be served with written notice to cut down, eradicate, or otherwise destroy them. If said officials or persons neglect or refuse to cut down, eradicate, or otherwise destroy the said noxious weeds in the manner prescribed in the notice served, within the designated number of days after service thereof, they shall be deemed guilty of a misdemeanor and the local weed inspector shall forthwith proceed to cause them to be cut down, eradicated, or otherwise destroyed.

(d) Proof of such posting, publication, and mailing shall be made by affidavit forthwith filed in the office of the clerk of municipality wherein such nonresident lands are situate or in the office of the county auditor when such lands are located in unorganized territory.

SEC. 9. *Weed inspectors may cut weeds in growing crops.*—Whenever any local weed inspector deems it necessary to prevent the spread of noxious weeds within his jurisdiction to cut down a growing crop, or a part thereof, he shall, before proceeding to do so, notify the mayor or the president of the village or borough council or a county commissioner or the county agent, as the case may be, to inspect said crop and if on said inspection it is the opinion of the officer making the same that the weeds together with the crop or portion thereof should be cut down or otherwise destroyed, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority. If, however, the officer making such inspection is of the opinion that said weeds together with the crop or portion thereof should not be cut down or otherwise destroyed, the matter in issue shall be reported to and determined by the commissioner or by his authority, whose decision thereon shall be final, except in so far as the same may be reviewed under existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector to immediately cause the said weeds, together with the crop or a portion thereof, to be cut down, eradicated or otherwise destroyed, and no action, claim, or damage shall be allowed or shall be sustainable against any one in respect thereto: *Provided*, That notwithstanding anything contained herein, the local weed inspectors shall have power to cut down or otherwise destroy the said weeds, together with the crop, on areas not exceeding 3 acres in the aggregate in any one field or crop of 40 acres [acres] or less, other than pasture or meadow, without any notification or application to the mayor, village or borough president, county commissioner or county agent. If, after being notified by the local weed inspector to inspect a crop, the mayor, the county commissioner or the village or borough president or county agent so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, said local weed inspector may thereupon proceed to cut down, eradicate, or otherwise destroy such weeds, together with the crop, to the same extent as though the officer notified had made an inspection and have [had] reported in the affirmative.

SEC. 10. *Report—Contents.*—Each local weed inspector shall make an annual report in duplicate on a form to be approved by the commissioner, fully and clearly showing each and every quarter section and government lot upon which noxious weeds are located, and the kind, disposition and extent of such weeds, also such other information that may be required by the commissioner. One copy of such report shall be filed with the county auditor of the county in which the land is situate, and the other copy with the commissioner not later than the 1st day of November in each year. Also each local weed inspector shall make a monthly report and file the same with the commissioner the first day of each month, and in addition thereto he shall make a weekly report during the month[s] of July and August, fully and clearly showing the number of farms inspected, the miles traveled, the kind, extent, and disposition of noxious weeds found and such other information as may be required by the commissioner.

SEC. 11. *Notice—Expense—Penalty.*—All notices provided for by this act shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided. Whenever any person in compliance with

a notice served upon him fails to cut down, eradicate, or otherwise destroy any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, the local weed inspector having jurisdiction, or if there is no local weed inspector, the commissioner of agriculture shall cause the same to be cut down, eradicated, or otherwise destroyed at the expense of the township, city, or village in which the land affected is situate and claim[s] for such expense of advertising and posting and serving of notices, together with the cost of cutting down, eradicating, or otherwise destroying the noxious weeds, are hereby made legal charges against the township, city, or village in which said lands are located. After such cutting down, eradicating, or otherwise destroying of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the cost of all services rendered in connection with serving and publishing of notice and cutting down, eradicating, or otherwise destroying the noxious weeds on each separate tract or lot of land, with the clerk of the town, city, or village in which such lands are located and such statement[s] shall be authority for the immediate issuance by such clerk of proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the town, village, or city or, as the case may be, against the land involved and shall be certified by the town, village, or city clerk to and entered by the county auditor on his tax books as a tax upon such land and shall be collected in the same manner that other real-estate taxes are collected. The amount of such expenses when collected shall be used to reimburse the town, village, city, or county for its expenditures in this regard. Where the lands involved are located in unorganized territory the expense of eradicating and destroying such weeds shall be paid by the county auditor out of the general revenue fund of said county, upon the verified itemized statement of the weed inspector and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be a lien in favor of such county against the lands involved and shall be collected in the same manner as other real-estate taxes are collected.

SEC. 12. Violation—Penalties.—Any person who violates any of the provisions of this act or who violates any duly adopted regulation of the commissioner, or who neglects, fails, or refuses to comply with any notice duly issued hereunder by the commissioner or local weed inspector and duly served upon him or who fails, refuses, or neglects to perform any duty imposed upon him by this act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly.

SEC. 13. Application.—This act shall not apply to unoccupied platted lands less than 1 acre in area situated more than one-half mile inside the boundaries of any city which now has or may hereafter have 300,000 or more inhabitants.

SEC. 14. Laws repealed.—Chapter 320, General Statutes of Minnesota, 1921, is hereby repealed.

MISSOURI

Condensed and Evaporated Milk—Must Conform to Standards—Labeling. Milk and Cream—Sale of Adulterated, Impure, or Unwholesome, Prohibited. Filled Milk and Emulsified Cream—Definitions—Manufacture or Sale Prohibited. (Act Apr. 5, 1923)

SECTION 1. *Repealing section 11986.*—That section 11986, Article IV, chapter 109, Revised Statutes of Missouri, 1919, be and the same is hereby repealed and the following new sections be enacted in lieu thereof to be known as sections 11986, 11986 a, 11986 b, 11986 c, 11986 d, 11986 e, to read as follows:

"SEC. 11986. *Standards established; to be stamped or labeled.*—It shall be unlawful for any person, firm, or corporation, by himself or itself, his or its servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange or have in possession with the intent to sell or exchange, any condensed or evaporated milk which shall not conform at least to the minimum standards as set forth in section 11985 of Article IV, chapter 109, Revised Statutes of Missouri, 1919, and which if contained in hermetically sealed cans do not bear, stamped or labeled thereon, the name and address of the manufacturer or jobber thereof. 'It shall be unlawful to sell or offer or expose for sale anywhere in this State any milk or cream containing any foreign substance, or preservative of any kind whatsoever injurious to health, or shall sell or offer for sale or deliver to another, for domestic or palatable use or to be converted into any product for human food, any unclean, impure, adulterated, or unwholesome milk, or milk from which has been held back what is commonly known as strippings, or milk taken from any animal having tuberculosis, garget, or other contagious or infectious disease; or any animal afflicted with any ulcer, lumpjaw, abscess, or running sore; or milk that has been taken from any animal within fifteen days before or ten days after parturition, or from any animal that has been fed on any refuse from distilleries, glucose or starch factories or other waste and refuse products, or upon any feed in a rotten or unwholesome state.'

"SEC. 11986 a. *Fat or oil other than milk fat prohibited.*—It shall be unlawful for any person, firm, or corporation by himself or itself, his or its agent or servant or as the servant or as agent of another, to manufacture, sell or exchange, or have in possession with the intent to sell or exchange, any milk, cream, emulsified cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives thereof, or any of them, to which has been added any fat or oil other than milk fat, either under the name of said product[s] or articles of [or] the derivatives thereof, or under any fictitious or trade name whatsoever.

"SEC. 11986 b. *'Filled milk' defined.*—The term 'filled milk' means any milk, cream, or skim milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skim milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, which has been melted or refined by heating, boiling, or mixing: *Provided*, That the above definition shall not include any distinctive proprietary food compound not readily mistaken in tests for milk or cream, or for evaporated, condensed, or powdered milk or cream: *Provided, however*, That such compound is prepared and designed for feeding infants and young children and customarily used on the order of a physician; is packed in individual cans containing not more than sixteen and one-half ounces and bearing the label in bold type; that the contents is [are] to be used only for said purposes; is shipped in interstate or foreign commerce exclusively to physicians, wholesale or retail druggists, orphan asylums, child welfare associations, hospitals, and similar institutions, and generally distributed by them.

"SEC. 11986 c. *'Emulsified cream' defined.*—The term 'emulsified cream' means any milk, cream, or skim milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added that which is commonly known as process butter, or butter which has been clarified or refined by heating, boiling, or by mixing under pressure, or otherwise, so that the resulting product is in imitation or semblance of pure cream arising from pure fresh milk.

SEC. 11986 d. *Emulsified cream and filled milk.*—It shall be unlawful to use the article known as emulsified cream in milk, or in any milk product, for any purpose whatsoever. It is hereby declared that filled milk and emulsified cream as herein defined are adulterated articles of food injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person, firm, or corporation to manufacture or ship or deliver to any person within this state any filled milk or emulsified cream.

"SEC. 11986 e. *Penalty.*—Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$1,000, or imprisonment in the county jail of not more than one year, or by [to] both such fine and imprisonment; except that penalty shall [not?] be enforced for any such violation occurring within ninety days after this act becomes a law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, or corporation or association, within the scope of his employment or office, shall in every case be deemed the violation of this act by such individual, partnership, corporation, or association, as well as the act of such person."

Filled Milk or Cream—Manufacture or Sale Prohibited. Substitutes for Butter—Use of Certain Words, Symbols, or Representations in Connection with the Sale or Advertisement of, Prohibited. (Act Apr. 2, 1923)

SECTION 1. *Prohibiting selling, exchanging, or possession of adulterated milk or dairy products.*—It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant of another, to manufacture, sell, or exchange or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them, to which has been added any fat or oil other than milk fat, either under the name of said products or articles or any of the derivatives thereof, or under any fictitious or trade name whatsoever.

SEC. 2. *Use of words butter, creamery, etc., prohibited in sale of butter or dairy substitutes.*—It shall be unlawful for any person, firm, or corporation to use in any way, in connection or association with the sale, or exposure for sale, or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," except as otherwise required by the laws of this State; or the name or representation of any breed of dairy cattle, or any combination of such word, or words and representation, or any other words or symbols, or combination thereof, commonly used in the sale of butter.

SEC. 3. *Violation of act a misdemeanor—Penalty.*—Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail for a term of not less than sixty days nor more than one year, or by both such fine and imprisonment.

Horse and Mule Meat, etc.—Requirements to be Observed in the Sale of. (Act Mar. 26, 1923)

SECTION 1. *Repealing section 5683, and enacting new section.*—Section 5683, Revised Statutes of Missouri, 1919, is hereby repealed and a new section enacted in lieu thereof to be known as section 5683 and to read as follows:

"SEC. 5683. *Sale of horse and mule meat prohibited except when labeled as such meat.*—It shall hereafter be unlawful for any person, firm, association, or corporation to sell or offer for sale, either in wholesale or retail lots, any horse or mule meat under the guise or name of beef or any other animal flesh under the guise or name of any meat or meat product except that which in fact and truth it may be, without having attached thereto a tag or other mark for identification plainly and legibly setting forth the true name of the animal from which such meat or flesh was taken or without having prominently displayed over or in

conjunction with such meat or flesh a legible sign or placard containing the true name of the animal from which the same was taken and without also advising the purchaser thereof by verbal, written, or printed notice of the true name of the animal from which such meat or flesh was taken."

Horses and Mules Affected with Glanders or Dourine and Tuberculous Cattle—When Indemnity Not Payable for. (Act Mar. 27, 1923)

SECTION 1. *Amending section 12090, Article IX, chapter 109, Revised Statutes of Missouri, 1919.*—That section 12090 of Article IX, chapter 109, of the Revised Statutes of Missouri, 1909, [1919] entitled "The State veterinarian" be, and the same is hereby, amended by adding the following proviso at the end of said section, viz: "*Provided further, That cattle brought into this State from outside the State of Missouri shall not be eligible for indemnity when found diseased with tuberculosis excepting that such cattle have passed one satisfactory negative tuberculin test, which test shall not have been made until said cattle shall have been within this State not less than ninety days,*" so that said section as amended shall read as follows:

"*Sec. 12090. Condition under which no indemnity shall be paid—Cattle brought from outside State not eligible under certain conditions.*—Under the following conditions no indemnity shall be paid for horses or mules affected with glanders or dourine or neat cattle affected with tuberculosis: (a) Horses and mules brought into this State in a diseased condition, or (b) which became diseased through any willful neglect or scheming on the part of the proprietor, or (c) which were already in a diseased condition when they came into possession of said proprietor, or (d) which came into this State in a diseased condition from any other State, (e) or which have been exposed to such diseases outside of the State within three months prior to their importation into this State, and (f) condemned animals which are not appraised and killed within thirty days after appraisal. No indemnity shall be paid for neat cattle affected with and quarantined on account of tuberculosis if such cattle became (a) diseased through any willful neglect or scheming on the part of the proprietor, or (b) which were already diseased when they came into the possession of said proprietor, or (c) which came into this State in a diseased condition from any other State or country, or (d) which have been exposed to said disease outside of this State within three months prior to their importation into this State. It is furthermore provided that no indemnity whatsoever shall be paid by either the State or county for neat cattle condemned on account of tuberculosis unless the owner thereof cooperates with the State or Federal authorities in having all of the cattle owned by him tested for tuberculosis and by carrying out the disinfection of his premises according to official instructions, as far as necessary, to complete the eradication of the disease on his premises: *And provided further, That no indemnity shall be paid for any registered purebred neat cattle purchased by the owner, after this section goes into effect, unless the owner has in his possession, or can show that there has been issued to him, a certificate of health from the seller, issued by an authorized agent of said board or the United State Department of Agriculture, showing said animals to be free from tuberculosis at the time of purchase. It shall be the duty of the State veterinarian or his deputy to ascertain which animals under quarantine are not appraisable for indemnity under this article and to record the tag numbers or description thereof upon such quarantine order and to plainly write the statement thereon that such animals are not subject to appraisement or indemnity: Provided further, That before said secretary of said board shall certify any indemnity claim to any county court or to the governor he shall be required to secure in writing the approval of such claim by the State veterinarian: Provided further, That cattle brought into this State from outside the State of Missouri shall not be eligible for indemnity when found diseased with tuberculosis excepting that such cattle shall have passed one satisfactory negative tuberculin test, which test shall not have been made until said cattle shall have been within this State not less than ninety days.*"

Mattresses and Mattress Materials and Places where Same are Made or Sold—Inspection. (Act Mar. 26, 1923)

SECTION 1. *Repealing section 6867, article 11, chapter 54, Revised Statutes of Missouri, 1919, and enacting new section.*—That section 6867, of article 11 of chapter 54 of the Revised Statutes of Missouri of 1919, be, and the same hereby is, repealed, and the following section enacted in lieu thereof, to be known as section 6867, and to read as follows:

"Sec. 6867. *Mattress factory and materials subject to inspection of State industrial inspector.*—All places where mattresses are made, or materials for mattresses prepared, or where mattresses are offered for sale, or are in the possession of any person or corporation with intent to sell, deliver, or consign them, and all such mattresses and material for mattresses shall be subject to inspection by the State industrial inspector, whose duty it shall be, in case he has reason to believe any person or corporation is violating this article, to prosecute such person or corporation therefor."

Standard Railway Sanitary Code. (Reg. Bd. of H., Mar. 29, 1923)

[The State board of health of Missouri has adopted, as rule 13 of Chapter III of their regulations, the standard railway sanitary code. This code has been published by the United States Public Health Service as Supplement No. 46 to the Public Health Reports.]

MONTANA

Rodent Hosts of Ticks Transmitting Rocky Mountain Spotted Fever—Extermination of. (Ch. 24, Act Feb. 24, 1923)

SECTION 1. The board of county commissioners of any county of this State, when there are within the limits of such county any lawfully established control districts of the State board of entomology for the control of Rocky Mountain spotted fever, are hereby authorized and empowered, upon the request of said State board of entomology or its duly authorized representative in such county, to appoint any suitable person or persons, whose duty it shall be to shoot, poison, trap, or otherwise catch or kill rodents within the limits of such control districts, and any person so appointed is hereby empowered and directed to enter upon any farm, railroad right of way, grounds, or premises infested with rodents and located within the limits of such control districts, and to shoot, poison, trap, or to otherwise catch or kill such rodents. It is further provided that any person so appointed shall work under the direction of the State board of entomology or its duly authorized representative in any county concerned.

SEC. 2. The board of county commissioners in any county in which there are any such control districts may create a "Rocky Mountain spotted fever control fund," either by appropriating money from the general fund of the county or at any time fixed by law for the levy and assessment of taxes, levy a tax not exceeding one-half mill on the dollar of assessed valuation, upon all property in the county, the proceeds of which shall be used solely for the purpose of providing for the shooting, poisoning, trapping, or otherwise catching or killing of rodents in said county. The fund to be provided, to be raised in accordance with this section, shall be denominated [sic] the "Rocky Mountain spotted fever control fund," and shall be kept separate and distinct by the county treasurer, and shall be expended by the board of county commissioners, and at such times and at any place in the county and in such manner as is desired by the State board of entomology to secure the abatement or extermination of rodents which are hosts of any tick transmitting Rocky Mountain spotted fever.

SEC. 3. Any person appointed by the board of county commissioners under the provisions of this act shall at the end of each month make a sworn statement to the county of the time expended in shooting, poisoning, trapping, or otherwise catching and killing rodents, exclusive of time going to and returning from work, and such person shall be paid at the rate not to exceed \$3.50 per day of eight hours.

SEC. 4. The board of county commissioners of any county may, from time to time, purchase such quantities and amounts of poisons, traps, or other materials as may be necessary to carry out the provisions of this act to shoot, poison, trap, or otherwise catch or kill rodents in any Rocky Mountain spotted fever control districts of the State board of entomology within the limits of the county concerned.

SEC. 5. The term "rodents" as used within the limits of this act shall include such rodent or rodents as are known to be hosts of any tick which transmit[s] Rocky Mountain spotted fever and are required to be exterminated by those regulations of the State board of entomology which are in force in any county concerned in the year during which the appropriation shall be made.

SEC. 6. All acts or parts of acts in conflict herewith are hereby repealed: *Provided, however,* That except as herein otherwise specified this act shall be construed as supplemental to and a part of all laws of this State relating to the control of Rocky Mountain spotted fever.

Law Authorizing Consolidated Municipalities—Provisions of, Regarding Public Health Matters. (Ch. 121, Act Mar. 7, 1923)

SECTION 1. The separate corporate existence and government of any county and of each and every city and town therein may be abandoned and terminated and such county and each and all of the cities and towns therein may be consolidated and merged into one municipal corporation and government under this act by proceeding as hereinafter provided.

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SEC. 38. In consolidated municipalities of the first, second, third, and fourth classes there shall be * * * a department of health, * * * and such other departments and offices as may be established by ordinance. In consolidated municipalities of the fifth, sixth, seventh, and eighth classes there shall be * * * a department of health and such other departments and offices as may be established by ordinance. The commission may change or abolish any department or office established by ordinance and may prescribe, combine, distribute, or discontinue the functions and duties thereof. Additional functions and duties may be by ordinance assigned to departments and offices created by this act, but no function or duty assigned by this act to any such department or office shall be discontinued or assigned to any other department or office. If the manager so recommend, and the commission so authorize, the manager may appoint one person to act as the head of two or more departments or offices; but the department of law must not thus be joined with any other department, nor shall the manager be authorized to act as head of the department of finance, or of any office therein other than of purchasing agent or assessor.

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SEC. 80. The director of the department of health shall be a physician legally authorized to practice medicine and surgery in the State of Montana. Except as otherwise provided in this act the director of the department of health shall have the powers and perform the duties conferred on and required of coroners and county health officers and local health officers by the general laws of the State. He shall also have such other powers and perform such other duties as may be prescribed by ordinance.

SEC. 81. The commission shall be the county board of health in and for the municipality, but in performing the duties and exercising the powers prescribed by law for such boards the commission shall act by ordinance, resolution, or vote and according to the procedure prescribed by this act to be followed when acting as commission of the municipality, and it shall not be necessary to the validity of any such action for the commission to declare, or for the records thereof to indicate that it is acting in other than its usual capacity. Regulations affecting the public health, additional to those established by general law, and for the violation of which penalties are imposed, may be prescribed by ordinance and enforced as provided therein.

* * * * *

Filled Milk—Manufacture or Sale Prohibited. (Ch. 51, Act Mar. 1, 1923)

SECTION 1. That chapter 202 of the Revised Codes of 1921, be, and the same is hereby, amended by the addition of one new section to be known as section 2623 (a) to read as follows:

"SEC. 2623 (a). It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever. Nothing in this section shall be construed to prohibit the shipment into this State from a foreign State and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles, the manufacture, sale, or exchange of which or possession of which, with the intent to sell or exchange is prohibited hereby."

Substitutes for Butter—Labeling of Containers. Butter and Cheese—Coloring of Substances to Resemble, Prohibited. Poisonous Coloring Matter—Manufacture, Sale, or Use of, Prohibited. Dairy Products Containing Poisonous Coloring Matter—Sale of, Prohibited. Imitation Butter or Renovated Butter—Use of, by Hotels or Restaurants to be Indicated. Skimmed Milk—Sale. Dairying—Regulation of the Industry of. Certain Dairy Products—Definitions and Standards—Taking of Samples of—Analyses. Dairy Products Factories—Registration—Licensing—Reports by—Sanitary Requirements. (Ch. 35, Act Feb. 27, 1923)

SECTION 1. That section 2622 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 2622. *Imitation butter.*—Hereafter the word 'butter' shall not be printed or used, either alone or in conjunction with any other word or words upon any carton, package, or other receptacle containing any substitute for butter, such as margarine or any other substance not made entirely from milk fat. No person or persons shall manufacture or sell, or expose for sale, any substance out of vegetable or animal fats or oils (not from milk or cream) colored in imitation of butter or any shade of yellow.

"All products made and sold, or exposed for sale as butter substitutes, and made either wholly or partly from any fat or oil other than from pure unadulterated milk or cream shall have plainly marked, stamped, or labeled on every package so made, sold, or exposed for sale, in plain, black, bold-faced letters, one-half inch high, the word 'Oleomargarine.' Hotels or restaurants using imitation butter or renovated butter shall place placards, plainly legible from all parts of the dining room, marked 'Oleomargarine' or 'Renovated butter,' as the case may be, 'used here.'

"All oleomargarines or other substitutes for butter, and all renovated or process or patent butter, made or sold or offered for sale, shall have the name of the manufacturer plainly stamped or printed in a conspicuous place on the outside of the carton or package in which it is contained."

SEC. 2. That section 2627 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 2627. *Prohibition of coloring matter.*—No person shall coat, powder, or color with annatto or any coloring whatsoever, butterine, or oleomargarine, or any compound of the same, or any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by which means such product, manufacture, or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell, nor shall he sell or offer the same for sale.

"No person or persons shall manufacture, sell, or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind, nor shall any person or persons use in dairy products any poisonous coloring matter manufactured, sold, offered, or exposed for sale, within the State, nor shall any person or persons sell, offer, or expose for sale any dairy food product containing such poisonous coloring matter."

SEC. 3. That section 2628 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 2628. *Sale of skimmed milk.*—Milk from which cream has been removed, if such is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, or to a consumer as hereinafter defined; but in the latter case only from vessels legibly marked with the words 'Skimmed milk' in plain black letters upon a light-colored background and each letter being at least 1 inch high and one-half inch wide, and said words being placed on the top or side of each vessel. These requirements, however, shall not apply to skimmed or separated milk, delivered to any patron of the creamery who regularly sells whole milk to the proprietor thereof; but all the skimmed milk so delivered shall first be pasteurized at a temperature of at least 180° Fahrenheit."

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SEC. 6. That section 2631 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 2631. *Penalty for violation of law.*—Except where otherwise provided, any person or persons, violating any section of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$250 for each offense, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment."

SEC. 7. That section 3568 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 3568. *Division of farming and dairying; powers and duties.*—The department of agriculture, labor, and industry, through the division of farming and dairying, shall have general regulation of the industry of dairying in the State of Montana save and except the sanitary inspection of dairies, milk plants, condensed-milk factories, and powdered-milk factories. The regulation and sanitary inspection of all creameries, butter, and cheese factories, ice-cream factories and cream-receiving stations, shall be the duty of the State department of agriculture, labor, and industry. The sanitary inspection of dairies, milk plants, condensed-milk factories, and powdered-milk factories, shall be administered by the State livestock sanitary board.

"*Regulation of standards.*—It shall be the duty of the department of agriculture, labor, and industry to enforce the laws regulating the standards of all dairy products, except whole milk, skimmed milk, condensed or evaporated milk, and powdered milk, whether made from whole milk, or skimmed milk. The regulation of the standards of whole milk, skimmed milk, evaporated or condensed milk, and powdered milk as mentioned herewith, shall be the duty of the livestock sanitary board. For the purpose of this act, the following definitions shall be adopted:

"Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat and not more than 15 per cent water. Butter may also contain added coloring matter.

"Renovated butter or process butter is the product made by melting butter and reworking, without the addition or use of chemicals or any substance except whole milk, cream, or salt, and contains not more than 16 per cent of water and at least 80 per cent of milk fat.

"Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance not less than 50 per cent of milk fat. Cheese may also contain added coloring matter.

"Skimmed milk cheese is the sound, solid, and ripened product made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

"(a) Ice cream is a frozen product made from pure cream and sugar, with or without a natural flavoring and pure gelatine, and contains not less than 10 per cent of milk fat.

"(b) Fruit ice cream is a frozen product made from cream, sugar, and sound, clean, mature fruits, and contains not less than 9 per cent of milk fat.

"(c) Nut ice cream is a frozen product made from cream, sugar, and sound, non-rancid nuts and contains not less than 9 per cent of milk fat.

"(d) All ice cream shall contain not less than 33 per cent of total solids, and shall not contain to exceed 1 per cent of gelatine.

"*Samples of dairy products, tests and payment for same.*—It shall be the duty of the department of agriculture, labor, and industry, to provide suitable means for the taking of samples of dairy products and of all imitations thereof suspected of being made or sold in violation of the law, and to analyze or test the same, and the commissioner of agriculture may require the State chemist to test and analyze said samples. When samples of dairy products are taken in accordance with any of the provisions of the laws of Montana, the agent taking the same, must pay, or offer to pay, for them at their full value. If payment is accepted, the agent must obtain a receipt from the person or persons from whom the samples are obtained.

"The records of such samples and their analysis and test, when identified as to the samples by the oath of the officer taking the same, and verified as to the sample by the oath of the officer taking the same, and verified as to the analysis or test, by the oath of such chemist making the same, shall be prima facie evidence of the facts therein set forth, when offered in evidence in any prosecution or action at law or in equity for violation of the provisions of this Act, or any rule, regulation, or order of said department of agriculture, labor, and industry made in pursuance to this Act.

"*Compilation of statistics and extension work.*—It shall be the duty of the department of agriculture, labor, and industry to compile and publish statistics concerning all phases of the dairy industry in the State, and to encourage and advertise said industry in every possible manner; to carry on a campaign of

education in conjunction with the extension work of the College of Agriculture and Mechanic Arts of Montana for the purpose of encouraging interest in the dairy industry and of furnishing scientific and practical information concerning same."

SEC. 8. That section 3569 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 3569. *Registry of location of dairy product factories.*—It shall be the duty of every cheese factory, creamery, butter factory, skimming station, or cream-buying station in the State, where milk or cream is purchased or contributed by three or more persons for the purpose of manufacture into butter, cheese, cottage cheese, or ice cream, or for the shipment to any place or places where said milk or cream may be made into the dairy products named herewith, to register the location of such cheese factory, creamery, butter factory, skimming station, and the name of its owner or manager, with the commissioner of agriculture on or before the 1st day of April of each year. Before the organization of any new factory, notice shall be given at once to said commissioner of agriculture.

"*Licensing of creameries.*—It shall be unlawful for any person, firm, or corporation to conduct any creamery, milk or cream receiving station, butter factory, cheese factory, or ice-cream factory, without first securing a license from the State department of agriculture, labor, and industry to operate the same. Such license shall expire on the last day of December of the current year in which it is issued: *Provided, however,* That said license may be revoked by the commissioner of agriculture whenever the holder thereof shall fail to comply with the laws of the State of Montana or to conduct such establishment in an orderly or sanitary manner.

"It is further provided that all licenses which have been issued by the livestock sanitary board to creameries, milk or cream receiving stations, butter factories, cheese factories, or ice-cream factories, shall remain in full force and effect for the full period for which they were issued, unless revoked by the commissioner of agriculture, labor, and industry for failure to comply with the laws of the State of Montana, or to conduct their business in a sanitary or orderly manner.

"*License fees.*—The following schedule of license fees shall be charged for all licenses issued by the department of agriculture, labor, and industry under the provisions of this act: Cream buying and shipping stations, \$5; creameries and cheese factories making less than 100,000 pounds, \$5; those making more than 100,000 and less than 200,000 pounds, \$10; those making more than 200,000 and less than 300,000 pounds, \$15; those making more than 300,000 and less than 400,000 pounds, \$20; those making more than 400,000 and less than 500,000 pounds, \$25; those making more than 500,000 and less than 600,000 pounds, \$30; those making more than 600,000 and less than 700,000 pounds, \$35; those making more than 700,000 and less than 800,000 pounds, \$40; there [those] making more than 800,000 and less than 900,000 pounds, \$45; those making more than 900,000, pounds, \$50. Ice cream factories making less than 10,000 gallons, \$5; those making 10,000 gallons and less than 20,000 gallons, \$10; those making 20,000 gallons and less than 30,000 gallons \$15; those making 30,000 gallons and less than 40,000 gallons, \$20; those making 40,000 gallons or over \$25.

"For the purpose of this act, the following definitions shall be adopted:

"A creamery shall be defined as a place where the milk or cream furnished by three or more persons, selling the same independently of each other, is used for manufacture into butter for commercial purposes.

"A cheese factory shall be defined as a place where milk furnished by three or more persons, each selling the same independently of the others, is made into cheese for commercial purposes.

"An ice-cream factory shall be defined as any place where ice cream is made for sale, where the minimum output is 200 gallons per annum, or where it is made for thirty days or more in each year.

"*Reports of factories.*—It shall likewise be the duty of each and all of the establishments in this section named, to render to the commissioner of agriculture, within the first three days after the last day of each quarterly period, a full report of the amount of butter, cheese, ice cream, or other dairy products handled or manufactured during the preceding three months. The first quarter of any year shall begin with the first day of the year."

SEC. 9. That section 3570 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 3570. * * *.

"Regulation of cream stations.—Any person, firm, or corporation, who shall operate a buying or collecting station, where milk or cream is bought or collected for the purpose of shipment to some other place, or to be sold or transferred to any creamery or any other manufacturing plant for the purpose of being made into butter or other dairy products, shall first secure a license from the State department of agriculture, labor and industry to operate such station. Upon and after the 1st day of May, 1923, all stations within the State of Montana where cream or milk is bought or collected, for shipment or sale, shall have the following requirements.

"Location of station.—The location shall be on well drained ground at least 50 feet from any outside contaminating influence. If within a building where any other business is conducted it shall be separated from the other rooms of the building by a tight wall or walls, and if there is an opening for passage between the room used as the station and the rest of the building there shall be two doors, one at each end of a vestibule or entry which shall be at least 6 feet in length. The doors shall be of wood, or wood and glass, and sufficient to keep all odors or dust from entering the station from any other part of the building. No station for the purpose of purchasing, storing or handling milk or cream shall be situated inside of, nor within 50 feet of any blacksmith shop, garage, grain elevator, livery stable, or any other building, corral, hogpen, or other place which can be denominated a contaminating influence; nor shall any oil, gasoline, or any other liquid or substance of a contaminating nature be kept within 50 feet of such station. The room used shall not be used for any purpose other than a milk or cream receiving station and shall at no time contain anything except the milk or cream received there, the cans or other receptacles in which it is shipped, and such furniture and equipment as may be necessary to efficiently conduct the business of such station. No gasoline engine shall be used or kept inside the room where the milk or cream is stored or kept. The engine or boiler shall be kept in a room partitioned off from the room where the milk or cream is kept or stored. A sanitary sink or tank with suitable drain shall be provided, in which to wash cans and other utensils used in conducting the business of the station; and a waste jar in which to empty the contents of the test bottles after the testing has been completed shall also be used. Dogs, cats, or other pet animals shall not be permitted to enter the room where the milk or cream is stored, and pieces of screen secured by hoops, or other devices shall be used on the top of the cans containing milk or cream while in storage, to prevent mice, insects or dirt, from falling in. The floor of the room where the milk or cream is kept or stored shall be of cement or concrete, with a drain which shall be connected with a sewer, or with a pipe which shall convey the waste water under ground to a point not less than 50 feet from the station. It shall be provided with windows containing at least 20 square feet of glass for each 100 square feet of floor space. Between May 1 and November 1 of each year screen doors shall be provided and in use on all outside doorways, and during that time screens shall be on all windows in the room. There shall be provided a cooling tank, large enough to hold all of the cream or milk received or stored, and in which there shall be at all times an amount of cold running water, or ice water, sufficient to thoroughly cool all milk or cream stored there. There shall be provided a steam boiler large enough to furnish sufficient steam to thoroughly sterilize cans, or a stove or other heating plant equipped with a tank, the minimum capacity of which shall be 10 gallons to supply sufficient boiling water to thoroughly scald the same; and all cans in which milk or cream is received shall be thoroughly washed in clean water with a sterilizing or cleansing powder added, and either sterilized with live steam or scalded with boiling water before being returned to the patron. A rack shall be provided on which cans not immediately returned to the patron, shall be inverted for the purpose of drying and airing, after being sterilized by steaming and scalding.

"Insanitary places where dairy products are manufactured or kept.—Acting upon the report of an inspector employed by the State department of agriculture, labor and industry, the commissioner of agriculture, or his authorized agent, may order any creamery, cheese factory, or cream station found to be not kept in a sanitary condition, to be closed; and it shall be closed forthwith and kept closed until such time as an inspector employed by the State department of agriculture, labor and industry shall report that the sanitary conditions of such creamery, cheese factory, or cream station, are satisfactory. Any person or persons operating any creamery, cheese factory, or cream station, before receiving notice from the commissioner of agriculture or his authorized agent to open the same, shall be deemed guilty of a misdemeanor and shall be punished

by a fine of not less than \$25, nor more than \$250, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both such fine and imprisonment. In addition to such fine and imprisonment, any person or persons operating any creamery, cheese factory, or cream station after receiving notice from the commissioner of agriculture, or his authorized agent, to close the same, and before receiving notice from the commissioner of agriculture, or his authorized agent, permitting opening of the same, shall pay an additional fine of \$25 for each day such creamery, cheese factory, or cream station is illegally operated. The commissioner of agriculture or any of his authorized agents shall have the right to enter any creamery, factory, building, store, receiving station, railroad depot, express office, or other place where dairy products, or substitutes therefor, are manufactured, sold or kept in storage or while in transit from one place to another, for the purpose of inspection of such dairy products or substitutes for the same, to obtain samples of the same for testing or analysis. It is expressly provided that such products shall include all butter, cheese, ice cream, and other dairy products, all substitutes for dairy products and all substances made in imitation of the same, except whole milk, skimmed milk, evaporated or condensed milk or powdered milk or any product of which the word 'milk' either alone or in connection with any other word or words is used to designate the same, or any liquid or substances made or sold or offered for sale as a substitute for, or made in imitation of the same.

"Interference with officer in performance of his duties.—Whoever shall refuse to allow the inspection herein provided for, or shall in any way hinder or obstruct the officers of the State department of agriculture, labor and industry in the proper performance of their duties as described in the provisions of this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment."

* * * * *

SEC. 11. That section 3282 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows:

"SEC. 3282. *Licenses for producers of dairy products.*—It shall be unlawful for any persons, firm, or corporation to conduct any dairy or milk plant, condensed milk factory, powdered milk factory, where either whole or skimmed milk is used for purposes of manufacture into powdered milk within the State of Montana, without first securing a license issued by the livestock sanitary board, which license shall expire on the last day of December of the current year in which it is issued: *Provided also,* That said license may be revoked at any time by the livestock sanitary board or State veterinary surgeon, when they, or he, shall determine that the person to whom a license is issued has failed to comply with the rules and regulations of the livestock sanitary board or failed to conduct such an establishment in a sanitary manner. All license fees collected under the terms of this section shall be paid into the general fund. The following schedule of license fees shall be charged for all licenses issued under the provisions of this section by the livestock sanitary board:

"Schedule of license fees.—Dairies of 20 cows or less selling milk or cream or both shall pay an annual license fee of \$1; dairies of over 20 cows selling milk or cream shall pay an annual license fee of \$2.50; milk plants shall pay an annual license fee of \$10; condensed milk factories or powdered milk factories having an output of less than 500,000 pounds shall pay an annual license fee of \$5; condensed milk factories or powdered milk factories having an output of more than 500,000 pounds shall pay an annual license fee of \$25."

SEC. 12. If any section of this act shall be declared unconstitutional for an reason, the remainder of the act shall not be affected thereby.

Habit-Forming Drugs—Penalty for Unlawful Possession, Sale, or Dispensing of. (Ch. 36, Act Feb. 27, 1923)

SECTION 1. That section 3202 of chapter 202 of the Revised Codes of 1921 be, and the same is hereby, amended to read as follows:

"SEC. 3202. Any person, either principal or agent, except such persons as are duly authorized by law, having possession or control of any drug mentioned in chapter 202, Laws of 1921 (section 3189 to 3201, both inclusive, Revised Codes of Montana of 1921) shall upon conviction, be punished by a fine of not less than \$500 and imprisonment in the State penitentiary of one year, nor more than \$3,000 and five years' imprisonment in the State penitentiary."

"Any person, either as principal or agent, who sells, barter, exchanges, distributes, gives away, or in any manner disposes of any drug mentioned in chapter 202, Laws of 1921 (section 3189 to 3201, both inclusive, Revised Codes of Montana of 1921), contrary to the provisions of said act, shall upon conviction be punished by a fine of not less than \$1,000 and by five years' imprisonment in the State penitentiary, nor more than \$3,000 fine and ten years' imprisonment in the State penitentiary."

Peyote or Mescal Button—Possession, Sale, or Dispensing of, Prohibited. (Ch. 22, Act Feb. 24, 1923)

SECTION 1. That it shall be unlawful for any person, firm, corporation, or association to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in his or its possession peyote (pellote), botanically known as *Lophophora Williamsii*; or agave Americana, commonly known as the mescal button; or any compound, derivative, or preparation thereon [thereof].

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$500, or imprisonment [imprisoned] in the county jail for a period of not to exceed six months or [be punished] by both such fine and imprisonment.

Mental Defectives—Sterilization. (Ch. 164, Act Mar. 15, 1923)

SECTION 1. This act shall be known as the "Eugenical sterilization law."

SEC. 2. For the purpose of the act the following terms (a) heredity, (b) procreate, (c) custodial institution, (d) inmate, (e) eugenical sterilization are hereby defined as follows:

(a) Heredity in the human species is the transmission, through spermatozoon and ovum, of physical, physiological, and psychological qualities from parents to offspring.

(b) Procreate means to beget or conceive offspring, and applies equally to males and females.

(c) Custodial institution is a habitation which provides food and lodging, restraint, treatment, training, care, or residence for inmates declared mentally delinquent through constituted legal channels.

(d) An inmate is an idiot, feeble-minded, insane, or epileptic person who is treated, trained, or cared for within a custodial institution.

(e) Eugenical sterilization is herein defined as vasectomy or salpingectomy, or such adequate medical treatment which will surely and permanently nullify the power to procreate offspring, to achieve permanent sexual sterility, and the highest therapeutic benefits to the patient.

SEC. 3. The State board of eugenics is hereby created and established for the State of Montana. It shall consist of: The chief physician of each custodial institution, the president of the State Medical Association, a female member named by the State Medical Association, and the secretary of the State board of health, the last named to be chairman of the board.

SEC. 4. *Duties of the State board of eugenics.*—It shall be the duty of this board to approve or disapprove certificate of sterilization submitted to them by the chief physician of custodial institution of inmate as provided in section 5 of this act, and to review the decision of the said chief physician in case of nonconsent on the part of the guardian or best friend as provided in section 6. This board is also hereby empowered to exercise general supervision of matters pertaining to sterilization, over the chief physician and assistants in custodial institutions, and require from them proper records and data for the determination of the efficiency, benefits, and specific efforts [effects?] of eugenical sterilization.

SEC. 5. *Responsibility of sterilization.*—The sterilization shall be performed by or under the supervision of the chief physician of the custodial institution of said inmate, whenever he, by his competent examination and upon the approval of the State board of eugenics, finds the said inmate or inmates to fall within the above-named class or classes: *Provided, however,* That before this sterilization takes place it shall be the duty of the said chief physician to fill out appropriate certificate of said inmate or inmates to be sterilized and present same to the State board of eugenics and secure that board's approval thereof (the approval to be evidenced by the appropriate indorsement on the back of said certificate by the secretary of said board).

SEC. 6. *Consent.*—Before making out the certificate mentioned in the above paragraph it shall be the duty of the physician to secure the consent of the legal guardian of said inmate, and in case such inmate has no legal guardian, then

the consent of his or her nearest known kin within the State of Montana, and if such inmate has no known kin within the State of Montana, then the consent of the custodial guardian of such inmate. In all cases when this consent is refused it should be noted on the certificate by the chief physician, and it then becomes his duty to notify the inmate and his guardian or nearest known kin within the State of Montana, and in case such inmate has no known kin within the State of Montana, then the custodial guardian of such inmate, of the proposed sterilization, setting a date for him or them to appear before the State board of eugenics and to show cause why the sterilization should not take place. It shall then be the duty of the State board of eugenics to withhold the approval of the sterilization of said inmate until the said board has heard and passed upon the merits of the objection. At the hearing it shall be the duty of the State board of eugenics either to approve or disapprove the sterilization.

Failure of complainants to appear at the hearing after due notice shall be considered as a waiver of all objections.

Upon the approval of the State board of eugenics, the secretary thereof shall indorse the approval on the back of the sterilization certificate of the inmate, and the chief physician shall cause sterilization to proceed as though the consent were given.

All decisions of the State board of eugenics shall be appealable to the district court of the district in which the custodial institution of the inmate is located by the objecting party or parties hereinbefore mentioned filing a petition against the State board of eugenics in the said court, in which case sterilization proceedings shall be suspended until final disposition of the case by the court.

SEC. 7. *Liability.*—Neither the members of the State board of eugenics, the chief physicians, or assistants concerned, nor any other persons legally participating in the execution of the provisions of this act shall be liable either civilly or criminally on account of said participation: *Provided, however,* That sterilization of the said inmate or inmates by the chief physician of the custodial institution or his assistants, for other than the purpose named in the act, or by fraud or duress or without the approval of the State board of eugenics, shall constitute a felony punishable by a fine of not more than \$1,000 or imprisonment in the State prison for no more than five years, or both.

SEC. 8. The purpose of said findings and orders of said board and any operation performed thereunder shall be for the betterment of the physical, mental, neural, or psychic condition of said inmate, or to protect society from the menace of procreation by said inmate, and not in any manner as a punitive measure.

NEBRASKA

Pupils—Physical Examination of, by Teachers for the Detection of Certain Defects—Exclusion of, from School when Showing Symptoms of Communicable Disease. (Ch. 55, Act Mar. 15, 1923)

SECTION 1. Amendment.—That section 6536, Compiled Statutes of Nebraska for 1922, is hereby amended to read as follows:

"**SEC. 6536. Teachers to examine children.**—It shall be the duty of every teacher engaged in teaching in the schools of the State, separately and carefully, to test and examine every child under his jurisdiction, except as herein provided, to ascertain if such child is suffering from defective sight or hearing or diseased teeth, or breathes through its mouth. If such test determines that any child has such defect, it shall be the duty of the teacher to notify, in writing, the parent of the child of such defect and explain to such parent the necessity of medical attendance for such child. Whenever a child shall show symptoms of any contagious or infectious disease such child shall be sent to his home immediately, or as soon as safe and proper conveyance can be found, and the board of health or school board or board of education shall be at once notified: *Provided, however,* That no child shall be compelled to submit to a physical examination by other than the teacher, over the written objection of his parent or guardian, delivered to the child's teacher: *Provided, however,* That such objection shall not exempt the child from the quarantine laws of the State nor prohibit an examination for infectious or contagious diseases."

SEC. 2. Repeal.—That said original section 6536, Compiled Statutes of Nebraska for 1922, is hereby repealed.

Milk and Cream—Sale—Pasteurization. Cows—Tuberculin Testing. (Ch. 9, Act Mar. 31, 1923)

SECTION 1. Amendment, sale, inspection fee.—That section 7442, Compiled Statutes of Nebraska for 1922, is hereby amended to read as follows:

"**SEC. 7442.** No person shall sell, offer or expose for sale, exchange, or deliver any milk or cream which has been taken from any animal having any disease or sickness or from any animal, during the period of fifteen days preceding parturition, or within such time thereafter as the milk is abnormal; or from any animal which has been fed unwholesome food or has had access to contaminated water; or from any animal kept in a crowded or unhealthful condition. No person shall sell, offer or expose for sale, exchange, or deliver any milk or cream, to be used as such for human consumption, which has been obtained from any animal not examined and tuberculin tested, within one year immediately prior thereto, by a duly licensed and authorized veterinarian and certified by him to be free from disease: *Provided,* That in case of emergency permission may be granted by the department of agriculture to any person to sell milk and cream from untested cows when such milk and cream is properly pasteurized before being offered for sale. No prosecution shall be filed for the sale of milk or cream from untested cows until ample opportunity has been given the owner of said cows to have them tuberculin tested as required, provided the milk and cream so sold is not otherwise in violation of the provisions of this act. Milk and cream used by a creamery or dairy for the manufacture of butter, ice cream, or any other dairy product shall be pasteurized by a method approved by the department of agriculture before or during the process of manufacture. Whenever any animal, not under State and Federal supervision for the eradication of tuberculosis, is required to be tested for tuberculosis by the provisions of this act, the fee for said testing shall be \$1 per animal for the first five animals, and at the rate of 50 cents per head for the next twenty animals, and at the rate of 25 cents per head for every animal in excess of twenty-five head, and shall be paid by the owner to the department of agriculture or its agent at the time the test is made, said fee to apply

wherever five or more such animals are assembled at one time and place: *And provided*, That where less than five such animals are tested at one time and place the fee shall be \$2 per animal. All fees collected under the provisions of this section may be allowed by the department of agriculture to the authorized agent performing such tests, said fees to be in lieu of salary or other emolument therefor."

SEC. 2. *Repeal*.—That said original section 7442, Compiled Statutes of Nebraska for 1922, is hereby repealed.

Condensed or Evaporated Milk—Standards—Labeling of Containers. Filled Milk—Manufacture or Sale Prohibited. Condensed, Evaporated, or Powdered Skimmed Milk—Sale—Labeling of Containers. (Ch. 12, Act Apr. 23, 1923)

SECTION 1. *Condensed or evaporated milk—How labeled*.—It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated milk which shall not conform at least to the minimum standards set forth by the department of dairy industry of the department of agriculture, and which if contained in hermetically sealed cans does not bear stamped or labeled thereon the name and address of the manufacture, jobber thereof, or dealer therein.

SEC. 2. *Sale or exchange—Fictitious name*.—It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them, to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever.

SEC. 3. *Container to bear name and address of manufacturer*.—It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange, or expose for sale or exchange, or have in possession with intent to sell or exchange any condensed or evaporated or powdered skim milk in containers holding less than 10 pounds avoirdupois net weight, and each said container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled, or printed thereon, together with the words "Condensed skim milk," or "Powdered skim milk," as the case may be, in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation, or label.

SEC. 4. *Violation—Penalty*.—Any violation of any of the provisions of this section [act] is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership or as a responsible agent or officer of a corporation, who shall be convicted of such violation, either on his own behalf or in the interests of a corporation, shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than \$50 nor more than \$100, or by both such fine and imprisonment.

SEC. 5. *Enforcement by dairy and food commissioner*.—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provision of this section.

SEC. 6. *Shipment from foreign state*.—Nothing in this section [act] shall be construed to prohibit the shipment into this State from a foreign State and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles, the manufacture, sale, or exchange of which or possession of which, with intent to sell or exchange, is prohibited hereby.

SEC. 7. *Subsection inoperative—When*.—Should any subsection or subsections or any part of a subsection or subsections of this section [act] become or be declared to be inoperative or void for any cause or reason whatsoever, the remainder of the subsection or of such subsections shall be and remain in full force and effect.

Imitation Butter—Certain Words or Symbols not to be Used in Connection with the Advertisement or Sale of. (Ch. 13, Act Apr. 11, 1923)

SECTION 1. *No dairy symbols to be used on imitation dairy products*.—No person, firm, or corporation shall use in any way in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word butter, creamery, or dairy, upon which shall

appear the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

SEC. 2. *Violation, penalty.*—Any person, firm, or corporation that shall violate any provisions of the preceding section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than \$10 nor more than \$100 or shall be imprisoned in the county jail not more than thirty days, or both, in the discretion of the court.

Eggs—Traffic in—Candling. (Ch. 2, Act May 1, 1923)

SECTION 1. *Eggs, when unfit for human food.*—For the purposes of this act an egg shall be determined unfit for human food if it be addled or moldy, a black rot, a white rot or a blood ring; or if it has an addled yolk or a bloody or green white; or if it be incubated beyond the blood ring state; or if it consists in whole or in part of a filthy, decomposed, or putrid substance.

SEC. 2. *Eggs to be candled.*—Every person, firm, or corporation engaged in the business of buying eggs in this State for resale or consignment before or after storage, shall, except during the months of January, February, March, and April, cause all eggs bought, sold, or consigned to be candled and shall pay only for edible eggs. Every person, firm, or corporation engaged in the business of buying eggs in this State for resale or consignment shall provide an adequate place for the accurate candling of eggs and a suitable place for the handling of eggs intended to be used for human food.

No person, firm, or corporation shall in the buying or selling of eggs take or give a greater or less dockage for eggs unfit for human food, as defined in section 1 of this act than the actual dockage which has been determined by the careful candling of such eggs, as herein provided for.

SEC. 3. *Candling certificate.*—There shall be placed on the top layer under the top flap, in each case of candled eggs, by the person who candled same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper no smaller in size than $2\frac{3}{8}$ by $4\frac{1}{4}$ inches and shall give the date or dates of candling the eggs contained in the case in which it is placed, the name, the initials or number of the person candling the eggs and the name of this State and post-office address of such person or firm candling such eggs.

SEC. 4. *Rules and regulations.*—The department of agriculture shall have authority to promulgate such rules and regulations as are necessary promptly and effectively to enforce the provisions of this act.

SEC. 5. *Penalty.*—Any person, firm, or corporation failing to comply with the requirements of or violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$10 nor more than \$50 for each offense.

Breeding Cattle—Eradication of Tuberculosis from—Tuberculin Testing—Destruction of Tuberculous Animals—Payments to Owners of Destroyed Animals. (Ch. 11, Act May 3, 1923)

SECTION 1. *Powers and duties of department of agriculture.*—When for the purpose of eradicating tuberculosis from cattle, the State department of agriculture shall be called upon by cattle owners of Nebraska for assistance, tuberculin testing, and other sanitary measures necessary for the eradication of tuberculosis, shall be established and carried forward on the county area plan but no testing under the county area [plan] shall be done in any county unless 51 per cent of the breeding cattle owners, thereby representing 51 per cent or more of the breeding cattle of said county, as shown by the assessor's reports, having signed a petition requesting that their cattle be tuberculin tested and further agreeing to comply with the necessary sanitary measures for eradication: *Provided*, That whenever 75 per cent or more of the breeding cattle herds in any county, or township of said county, shall have been tested under the county area plan and there remains one or more herds of breeding cattle untested in said county, or said township of said county, the department of agriculture shall have power and shall quarantine such herd or herds on the premises where located until such herd or herds have been submitted to a tuberculin test or otherwise if the owner will signify by affidavit that said breeding cattle shall be marketing cattle and will be shipped out within one hundred and fifty days after such notice of quarantine, approved by the department of agriculture. Furthermore, it shall be provided that when the initial or first general test of all breeding herds has been completed

in any county under the area plan, the department of agriculture shall establish rules and regulations governing the admission of all cattle brought into said county in order to protect the tested breeding herds and provide for handling cattle for slaughter, feeding or grazing purposes without test as otherwise not provided for in this act. These rules and regulations governing the admission of cattle into counties, designated for area testing shall not apply to steers brought in for feeding and grazing purposes and maintained in separate feed lots or pastures.

When any bovine animal is certified to be tuberculous by the department of agriculture, such animal may be destroyed and the owner reimbursed therefor. Compensation paid by the State shall not be more than \$15 for any grade animal, nor more than \$30 for any purebred animal, and such compensation shall not be more than one-third of the difference between the appraised value of any animal and the value of the net salvage received from the slaughter of said animal by the owner: *Provided*, No compensation shall be paid by the State except for breeding cattle, which shall be construed to mean any sexually entire bovine animal at the time when slaughtered. Furthermore, no compensation may be paid unless all lawful quarantine regulations of the department of agriculture have been complied with, nor until the premises contaminated by the infected animals have been properly cleaned and disinfected in accordance with regulations approved by the department of agriculture; and no compensation shall be paid until or unless a tuberculin test has been applied under the provisions of the department of agriculture on the entire herd of cattle in which the tuberculous animal was located at the time of or immediately prior to the tuberculin test by which the said animal was certified to be tuberculous, and no compensation shall be paid for any animal not having been owned and kept within the State for a period of at least six months and has been subjected to a retest as provided for by law immediately preceding condemnation as a tuberculous animal, unless said animal has passed one satisfactory test as prescribed by the Bureau of Animal Industry. Breeding cattle under the provisions of this act shall be construed to mean sexually entire bovine animals: *Provided, however*, That owners of breeding herds outside of counties operating under the provision of this act may be granted a test upon application to the department of agriculture and indemnity allowed as provided in section 1: *Provided*, Not to exceed 15 per cent of the fund appropriated for tuberculosis eradication shall be expended for the purposes of accredited herd work outside of the counties operating under the county area plan.

SEC. 2. *Second or general test—When made.*—When after the initial test is completed and 1 per cent or more of all cattle tested have been found tuberculous a second general test shall be made within twelve months after the first test has been completed: *Provided*, After the initial test no indemnity may be paid by the State for any bovine animal certified to be tuberculous by the department of agriculture.

SEC. 3. *Rules and regulations—Local veterinarians.*—It shall be the duty of the secretary of agriculture to prepare said [such?] rules and regulations as he may deem necessary for the speedy and effectual suppression and eradication of tuberculosis; and further, the secretary of agriculture shall prepare such rules and regulations for quarantine and sanitary measures designed to carry out the provisions of this act: *Provided further*, The secretary of agriculture shall employ qualified local veterinarians as far as practicable.

SEC. 4. *Repeal.*—That section 7632, Compiled Statutes of Nebraska for 1922, is hereby repealed.

Rendering Establishments—Licensing—Transportation and Disposal of Carcasses of Animals Dead of Disease. (Ch. 3, Act Apr. 11, 1923)

SECTION 1. *License for rendering establishments.*—It shall be unlawful for any person, persons, firm, or corporation to operate within the State of Nebraska any rendering establishment in which the carcasses of domestic animals, not intended for human consumption, are used for manufacturing purposes, without having secured from the State department of agriculture a license or permit to do so.

SEC. 2. *Application to be filed with State department of agriculture.*—Any person, persons, firm, or corporation intending to operate within the State of Nebraska any rendering establishment in which carcasses of domestic animals, not intended for human consumption, are to be used for manufacturing purposes shall file with the State department of agriculture an application for a license or permit to do so subject to the provisions of this act.

SEC. 3. *Inspection before license is issued.*—Upon the receipt of said application the State department of agriculture shall cause an inspection to be made of any establishment for which a license or permit is required, its equipment, vehicles and manner of conduct with reference and due regard to the safety of animal health and the dangers of disease transmission and dissemination. In the case of said inspection not revealing any danger of disease transmission or any other menace to animal health, the State department of agriculture shall issue the license or permit applied for upon payment of a fee of \$50. Such a license or permit will remain valid for a period of one year from the date of issue or until revoked for cause by the State department of agriculture.

SEC. 4. *Authorized to transport carcasses.*—A rendering establishment within the meaning of this act and provided with a license or permit in accordance with this provision of this act is authorized to transport over any public highway within the State of Nebraska the carcasses of animals dead of disease provided:

First. That for the purpose of such transportation the carcasses shall be placed in containers or vehicles which are constructed of or lined with impervious material and which do not permit the escape of any liquid and which are covered in such a way that the contents be not accessible to flies or other insects.

Second. That said containers and vehicles are disinfected in a manner prescribed by the State department of agriculture, each and every time before leaving the establishment named in the license or permit.

Third. That upon leaving premises from which carcasses were collected and before using the public highway the exterior of the vehicle must be disinfected in a similar manner: *Provided, however,* That if the owner of any animals which die from disease or sickness does not dispose of such animals which have died from disease or sickness to a rendering establishment licensed to operate under the terms of this act, then said owner shall have the carcasses of said deceased animals completely burned on the premises where the animal[s] died within forty-eight hours thereafter: *Provided,* That the provisions of this act shall not apply to public stockyards where Federal inspection is maintained or to rendering establishments handling dead carcasses from such stockyards.

SEC. 5. *Secretary of agriculture to issue rules and regulations.*—The secretary of agriculture is hereby authorized to issue and enforce such rules and regulations pertaining to the transportation of carcasses as he may deem wise for the protection of the health of animals, and to revoke licenses or permits for cause.

SEC. 6. *Penalty.*—Any person violating any of the provisions of this act or any rule or regulation made by the secretary of agriculture in accordance with this act shall be guilty of a misdemeanor and be punished by a fine of not less than \$100 or more than \$300, or by imprisonment of not less than ten days or more than thirty days.

SEC. 7. *Repeal.*—That sections 147, 148, 149, 150, and 151 of Article VI of chapter 2 of the Compiled Statutes of Nebraska for 1922, entitled "Contagious diseases," are hereby repealed.

NEVADA

State Rabies Commission—Creation, Membership, and Duties—Appropriation. (Ch. 99, Act Mar. 8, 1923)

SECTION 1. That for the purpose of cooperation with the Bureau of Biological Survey of the United States Department of Agriculture for the control and eradication of rabies and predatory and noxious animals within the State of Nevada there is hereby created the State rabies commission. The said commission shall consist of five members, as follows: The governor, who shall be ex officio chairman; the director of the State veterinary control service, who shall act as the secretary of the commission; the director of the State hygienic laboratory; and one member each of the State board of stock commissioners and the State board of sheep commissioners, to be appointed by the governor. The members of the said commission shall serve without salary or compensation as such, but shall be allowed their traveling and living expenses while attending meetings or otherwise directly engaged in the work of the commission.

SEC. 2. It shall be the duty of the State rabies commission to enter into a definite agreement with the United States Bureau of Biological Survey, prescribing the manner, terms, and conditions under which the work of control and eradication of rabies and predatory and noxious animals shall be carried on in the State of Nevada: *Provided*, Nothing in this act shall be construed as vacating the agreement between the State of Nevada and the said Bureau of Biological Survey now in effect.

SEC. 3. For the cooperative support of the work of controlling and eradicating rabies and predatory and noxious animals in the State of Nevada as aforesaid there is hereby appropriated \$30,000 annually for each of the fiscal years 1923 and 1924 out of any moneys in the State treasury not otherwise appropriated. All claims against said appropriation shall be approved by the chairman and secretary of said commission and by the State board of examiners.

SEC. 4. That certain act entitled "An act providing for the eradication of noxious animals in the State of Nevada; for the suppression of rabies; for cooperation between the State, the counties, and the Bureau of Biological Survey, United States Department of Agriculture in the administration thereof; for the levy of taxes therefor; for the creation of State and county boards for the purpose, and defining their duties," approved March 21, 1921, is hereby repealed: *Provided*, That any real or personal property now in the possession of the State rabies commission created under the provisions of said act shall be turned over to the State rabies commission herein created: *And provided further*, That any furs or supplies acquired by any county under the provisions of said act shall be sold by the State rabies commission herein created and the proceeds of such sale turned over to the county in question.

Child Welfare Division of State Board of Health—Creation, Membership, and Duties. (Ch. 48, Act Mar. 2, 1923)

SECTION 1. The State of Nevada hereby accepts the provisions of an act of Congress entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and hereby creates the child welfare division of the State board of health, which shall cooperate with the Children's Bureau of the United States Department of Labor in the administration of said act of Congress, commonly known and hereafter referred to as the Sheppard-Towner bill.

SEC. 2. The child welfare division of the State board of health shall consist of five members, who shall be appointed by the governor, to hold office for four years and until their successors are appointed and qualify. The members of said child welfare division of the State board of health shall each and all of them serve without compensation. The members of said bureau so appointed by the governor shall meet at the State Capitol on the first Monday of April, 1923, and shall elect a chairman from among their members.

SEC. 3. The child welfare division of the State board of health shall as soon as possible after its appointment and organization submit detailed plans for carrying out the provisions of the Sheppard-Towner bill in the State of Nevada to the children's bureau of the United States Department of Labor for approval by the Federal Board of Maternity and Infant Hygiene. When such detailed plans are approved by said Federal board, it shall be the duty of the child welfare division of the State board of health to carry the same into effect. Said child welfare division of the State board of health may from time to time, with the approval of the Federal Board of Maternity and Hygiene, alter or amend said plan subsequently adopted and approved.

* * * * *

Habit-Forming Drugs—Possession, Sale, or Dispensing. (Ch. 33, Act Feb. 23, 1923)

SECTION 1. Each and all of the following are hereby declared to be narcotic drugs: Cannabis indica, cocaine, opium, yen shee, morphine, codeine, heroin, anhalonium (peyote or mescal button), or any of the salts, derivatives, or compounds of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds.

SEC. 2. It shall be unlawful for any person to have in his possession any narcotic drug. Any person violating the provision of this section shall be guilty of a gross misdemeanor, and shall be punished accordingly.

SEC. 3. Where any person is convicted of a violation of the provisions of section 2 of this act and upon trial or upon a plea of guilty a prior conviction shall be proved against him, he shall be deemed guilty of a felony and be punished accordingly. The words "prior conviction" shall be construed as meaning a previous conviction at any time in any court in this or any other State for a violation of either the provisions of this act or of any statute or ordinance dealing with or regulating the use, supply, or possession of any or all narcotic drugs.

SEC. 4. It shall be within the discretion of the judge pronouncing sentence upon any person for the violation of section 2 of this act to order that said person be confined for treatment for a part or all of his sentence of confinement, if same be imposed, in the Nevada State hospital for mental diseases, and it shall be the duty of the officer in charge of said institution to care for and provide treatment to all persons delivered to him in accordance with the provisions of this section. In case of such commitment, the county from which said person is committed shall pay to the officer in charge of said institution the sum of \$20 per month during the time such person is confined in said institution. No person shall be committed to said institution under the provisions of this section who shall have been previously committed thereto or treated therein.

SEC. 5. It shall be unlawful for any person to sell, furnish, or give away, or to have in his possession for the purpose of sale, furnishing, or gift, any narcotic drug. Any person violating the provisions of this section shall be guilty of a felony, and shall be punished accordingly. Proof of the possession of any narcotic drug inclosed or wrapped in a package or container or otherwise arranged in such form as to be suitable or adapted for the purposes of sale shall be prima facie proof of possession for the purpose of sale.

SEC. 6. The provisions of this act shall not be applicable to the possession of narcotic drugs upon the written order or prescription of a physician, dentist, or veterinary surgeon licensed to practice in this State, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the order or prescription. Such order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than 8 grains of opium, or 1 grain of morphine, or 2 grains of codein, or one-half grain of heroin, or 1 grain of cocaine, excepting upon the written order of the prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such order or prescription shall be made or delivered to any person, but the original shall be at all times open to inspection by the prescriber and by properly authorized officers of the law, and shall be preserved for at least three years from the date of the filing thereof: *Provided*, That the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manu-

facturers to pharmacies legally licensed and doing business under the laws of the State of Nevada, or physicians, nor to each other, nor to the sale at retail by pharmacies to physicians, dentists, or veterinary surgeons duly licensed to practice in this State; *Provided further*, That all such wholesale jobbers, wholesalers, and manufacturers, in this section mentioned, shall, before delivery to any person, firm, or corporation of any of the articles in this section enumerated, make or cause to be made, in a book kept for that purpose only, an entry of the sale of any such article, stating the date of such sale and quantity and name of the article and form in which sold, the true name and true address of the purchaser, the name of the person by whom such entry and sale was made, also a statement showing how delivery was had, whether delivered personally or forwarded by mail, express, or freight, which book shall be substantially as follows:

FORM OF RECORD

Date of sale	Quantity and name of article	Name of purchaser	How delivered	Name of person selling
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And said books shall always be open for inspection by any peace officer or citizen, or any member of the board of pharmacy, or any inspector by them authorized, and such books shall be preserved for at least five years after the date of the last entry therein. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary surgeon to furnish to, or prescribe for the use of any habitual user of the same, any cocaine, opium, morphine, codeine, heroin, anhalonium, cannabis sativa, or chloral hydrate, or any salt, derivative, or compounds, and it shall be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being: *Provided, however*, That the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act: *Provided*, That the above provision shall not apply to preparations sold or dispensed without a physician's prescription containing less than 2 grains of opium, or one-fourth grain of morphine, or one-half grain of codeine, or 4 grains of Indian hemp in 1 fluid ounce, or if a solid preparation in 1 avoirdupois ounce, or to the sale of strychnine or other poisons for the purpose of destroying noxious wild animals. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Certain Labor Camps—Sanitary Requirements. (Ch. 47, Act Mar. 2, 1923)

SECTION 1. In or at any highway-construction camp where five or more persons are employed, bunk houses, tents, or other suitable sleeping places must be provided for all the employees. Such bunk houses, tents, or other sleeping places must be in good structural condition, and so constructed as to provide shelter to the occupants against the elements and so as to exclude dampness in inclement weather. The bunk houses, tents, and other sleeping places shall be kept in a cleanly state, and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunk houses, tents, or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage, and other deleterious matter.

Sec. 2. Every bunk house, tent, or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunk house, tent, or other sleeping place. Suitable bunks or beds shall be provided for all employees. Such bunks or beds shall be made of steel, canvas, or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying same. A clear space of at least 20 inches extending from the floor to the ceiling or roof of any bunk house, tent, or other sleeping place must be allowed between each bed or bunk in any bunk house, tent, or sleeping place. Upon the request of an employee he must be supplied with a mattress or some equally comfortable bedding, for which a reasonable charge may be made, the same to be deducted from his wages. When straw or other substitute for a mattress is used a container or tick must be provided.

SEC. 3. Every mess house, dining room, mess tent, dining tent, kitchen, or other structure where food is cooked, prepared, or served in such camp shall be kept in a clean and sanitary state, and the openings of such structures shall be screened. All dishes, cooking utensils, or other vessels in which food is prepared or kept, or from which food is to be eaten, and all knives, forks, spoons, and other implements used in the eating of food must be kept in a clean, unbroken, and sanitary condition.

SEC. 4. For every such camp there shall be provided convenient and suitable privy or other toilet facilities, which shall be kept in a clean and sanitary state. A privy other than a water-closet shall consist of a pit at least 2 feet deep, with suitable shelter over same, and the openings of the shelter and pit shall be inclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than 1 foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime, or other similar substance.

SEC. 5. All garbage, kitchen wastes, and other rubbish in such camp shall be deposited in suitable covered receptacles which shall be emptied daily, or oftener, if necessary, and the contents burned, buried, or otherwise disposed of in such a way as not to be or become offensive or insanitary. All drainage from the kitchen sink shall be carried through a covered drain to a covered cesspool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

SEC. 6. It shall be the duty of any person, firm, corporation, agent, or officer of a firm or corporation employing persons to work in or at camps to which the provisions of this act apply and the superintendent or overseer in charge of the work in or at such camps to carry out the provisions of this act. At every such camp such owner, superintendent, or overseer shall appoint a responsible person to assist in keeping the camp clean.

SEC. 7. The State board of health of Nevada shall administer this act and shall have full power and authority to declare and prescribe such reasonable standards and regulations as will tend to insure the observance of this law. The county health officers of the counties of the State of Nevada shall secure the enforcement of the provisions of this act and for such purposes the officers and agents of the State board of health or the county health officers shall have the right to enter upon either public or private property within the State to determine whether or not there exists upon such property any camp to which the provisions of this act may apply; and to enter and inspect all camps within the State of Nevada wheresoever the same may be situated, and to inspect all accommodations, equipment, or paraphernalia connected therewith; and to enter upon and inspect all adjacent land surrounding the said or any such camp, to determine whether or not the sanitary and other requirements of this act have been or are being complied with. Any camp coming under the provisions of this act which does not conform to the provisions of this act is hereby declared a public nuisance, and if not made to so conform within five days or within such longer period of time as may be allowed by the State board of health, or county health officer, after written notice given by the said board, or county health officer, shall be abated by proper action brought for that purpose in the district court of the county in which such camp, or the greater portion thereof, is situated.

SEC. 8. Any person, firm, corporation, agent, or officer of a firm or corporation or any superintendent or overseer in charge of the work in or at any camp coming under the provisions of this act who shall violate or fail to comply with the provisions of this act is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$200, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

NEW HAMPSHIRE

Communicable Diseases—Reports of Cases Occurring in Camps. Tourist Camps—Sanitary Requirements. (Reg. Bd. of H., Aug. 14, 1923)

Reporting diseases in outing and tourist camps.—It shall be the duty of any proprietor, employer, superintendent, foreman, master, teacher, matron, policeman, town marshal, watchman or other person in charge of or responsible for the care of any industrial, civil training, "settlement," "fresh air," outing or tourist camp, wherein any case of reportable disease occurs, among camp dwellers, campers, employees, or visitors, to report same to the local health officer (i. e., to the medical health officer when camp is located in cities and in villages having organized boards of health; to the chairman of the board of selectmen when located in townships and in villages therein, when such villages have no organized boards of health), within twenty-four hours after first knowledge of same.

Every person, organization, or municipality establishing or having control of a tourist camp shall provide such camp with an adequate water supply, toilet facilities, refuse disposal, camp site, as follows:

Water supply.—Every tourist camp shall be provided with an adequate supply of water of good sanitary quality from a source which will meet the requirements of the New Hampshire State board of health as to sanitary location, construction, and operation. The water supply may be used from a municipal system, provided such a system has been installed and is operated in such a manner as to meet with the requirements of this board. If a supply from an approved municipal source is not available, a supply shall be obtained from a well or spring or other source which must be located, constructed, and operated in accordance with the requirements of this board for a safe water supply. A water supply shall be easily obtainable from a faucet on the municipal system or from a well, spring, or other source, as above described, at a point not more than 400 feet from the portion of the tourist camp actually used by the tourists for camping purposes.

Toilets.—Water-flush toilets shall be provided wherever a municipal sewerage system is available or where conditions are such that a sewage disposal plant or cesspool can be operated and water under pressure is available for the operation of water-flush toilets. Privies may be used where no municipal sewerage system is available or where the conditions are such that a sewage disposal plant or cesspool can not be operated satisfactorily or where water under pressure is not available. These privies should be of the pit type and fly-tight. All toilets and privies must be well ventilated and lighted and provided with some means of artificial lighting at night. These toilets and privies shall be maintained in a clean and sanitary condition. The contents of the privy vaults shall be sprinkled with dry earth, chlorinated lime, or lime daily during the period when the privies are in use. Toilets and privies shall be supplied with toilet paper at all times. Separate toilets shall be provided for men and women. The location of all toilets shall be plainly indicated by suitable signs. The toilets shall be located at a reasonable distance from the sleeping quarters.

Refuse disposal.—Suitable galvanized-iron garbage cans with covers shall be provided at convenient points for the disposal of garbage and refuse. The contents of these cans shall be removed daily and the material buried or burned so as not to create a nuisance or provide a breeding place for flies. The cans shall be thoroughly washed.

Camp site.—Every tourist camp must be located on a site that is well drained and shall be selected with regard to its healthfulness.

Every person, organization, or municipality establishing or having control of a tourist camp that does not comply with the rules and regulations of the State board of health shall be prosecuted in accordance with the sanitary laws.

Flavored Milk Drinks—Standards and Requirements Relating to. (Reg. Bd. of H., June 29, 1923)

1. All chocolate milk drinks sold as whole milk, or as whole milk with flavoring, shall consist of such. The milk used shall be of standard quality and shall be subject to the same requirements in every respect as for whole milk.

2. Mixtures of milk, skimmed milk and flavoring sold in imitation of whole milk with flavoring shall be classed as "partly skimmed milk" and the words "Partly skimmed milk" shall appear on the cap of each bottle or other container, plainly legible to the consumer.

3. Such milk or mixture of milk and skimmed milk (partly skimmed milk) with flavoring, shall consist of not less than 90 per cent of milk containing at least 2 per cent butter fat.

4. Any advertisement or display of such product (partly skimmed milk) which imparts to the consumer the belief that the product is made from whole milk shall be deemed to be a violation of these rules and regulations.

Imitation Butter—Certain Words or Symbols Not to be Used in Connection with the Advertisement or Sale of. Filled Milk, etc.—Manufacture or Sale Prohibited. (Ch. 36, Act Apr. 12, 1923)

SECTION 1. No person, firm, or corporation with intent to deceive shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "cream," "dairy," "cow," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

SEC. 2. It shall be unlawful for any person, firm, or corporation, by himself, his servant, or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or of any of the derivatives thereof or under any name whatsoever.

SEC. 3. Whoever violates the provisions of this act shall be punished by a fine of not less than \$100 or not more than \$500 for each offense.

SEC. 4. Prosecutions shall be made upon complaint and proper evidence under the provision made for enforcing the general pure food laws.

SEC. 5. This act shall take effect on July 1, 1923.

Water Supplies—Protection of, from Pollution by Bathing. (Ch. 109, Act May 4, 1923)

SECTION 1. Amend section 4, chapter 76, Laws of 1895, by striking out the words "one-fourth of a mile of the point where said water is taken," and substituting in place thereof the following: "the limits prescribed for the protection of said water supply by the local and State board of health," so that said section as amended shall read as follows:

"SEC. 4. If any person shall bathe in such lake, pond, or reservoir within the limits prescribed for the protection of said water supply by the local and State board of health, he shall be fined not exceeding \$20 or imprisoned not exceeding six months."

Dead Bodies—Removal to Other Towns. (Ch. 11, Act Mar. 7, 1923)

SECTION 1. Any licensed embalmer may transfer the body of any deceased person to another town for preparation for burial or cremation: *Provided*, Death was not sudden, the result of violence or of a communicable disease other than tuberculosis or pneumonia: *And provided*, Such body shall be returned to the town in which death occurred within eighteen hours: *Or provided*, A permit for permanent removal, as required under the provisions of chapter 173 of the Public Statutes, has been secured within said time. Such temporary transfer shall be made by licensed embalmers only and such licensed embalmer shall leave, in writing, with the institution from which or the person from whom any such body

is received, on forms supplied by the State board of health, his name and address, license number, and date and hour such body was delivered to him. Any body for which a burial or removal permit has been secured in accordance with the provisions of chapter 173 of the Public Statutes, excepting the body of any person whose death occurred while suffering from any communicable disease other than tuberculosis and pneumonia, may be taken through or into another town for funeral services without additional permits.

Livestock—Shipment. (Ch. 52, Act Apr. 27, 1923)

SECTION 1. No person shall ship, nor shall any common carrier transport, livestock within this State in mixed carloads unless different kinds of stock shall be separated, each kind from the other, by strong partitions: *Provided, however,* That milch cows may be shipped not exceeding three calves for one cow and sheep may be shipped with calves.

SEC. 2. Livestock shall not be transported in "upper decks" unless such decks are constructed with tight floors of adequate strength.

SEC. 3. Animals found to be so far diseased or so badly injured as to be unable to stand, and the carcasses of any which may die or are killed because of disease or injuries, may be removed from the car, reshipped, or otherwise disposed of in accordance with rules and regulations of the State board of health.

SEC. 4. Cattle which have reacted to tuberculin test shall not be shipped, transported, received for transportation, or otherwise moved for immediate slaughter, unless the following conditions and restrictions are complied with:

1. The cattle shall be shipped, transported, or moved to an establishment or a public stockyard where State or Federal inspection is maintained, and shall there be slaughtered under such inspection.

2. The cattle shall be marked for identification by branding the letter T on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "Reactor."

3. The cattle shall be accompanied to destination by a certificate issued by the State department of agriculture or Bureau of Animal Industry.

4. The transportation companies shall plainly write or stamp upon the face of waybills, conductors' manifests, and memoranda pertaining to such shipment the words "Tuberculous cattle."

SEC. 5. Any person, company, or corporation knowingly violating any provision of this act shall be fined not exceeding \$500 for each offense.

SEC. 6. The State commissioner of agriculture, either by himself or his agents, shall have authority to enforce the provisions of this act, and for that purpose may, without expense to the State, designate as his agent or agents any officers or agents of the Society for the Prevention of Cruelty to Animals.

Offensive Trades, Dead Animals, Garbage, etc.—City Councils May Adopt Ordinances and Regulations Regarding. (Ch. 15, Act Mar. 21, 1923)

SECTION 1. Amend subsection XIII, section 10, chapter 50, of the Public Statutes, by striking out the period after the word "city" in the last line of said subsection and inserting in place thereof a semicolon, and by adding the following words: "to authorize and provide for the collection, removal, and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, appropriation, or by both," so that said subsection as amended shall read as follows:

"XIII. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow-chandlers' shops, soap factories, tanneries, stables, barns, privies, sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal, or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having within the city any dead carcass or other unwholesome substance; to provide for the removal or destruction, by any person who shall have the same upon or near his premises, of any such substance or any putrid or unsound beef, pork, fish, hides, or skins, and, on his default, to authorize the removal or destruction thereof by some officer of the city; to authorize and provide for the collection, removal, and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, appropriation, or by both."

NEW JERSEY

Communicable Disease Hospitals in Certain Counties—Establishment, Operation, Management, and Maintenance. (Ch. 45, Act Mar. 12, 1923)

1. The board of chosen freeholders of any county except counties of first class shall have power to establish a county hospital for the care and treatment of persons suffering from the diseases known to be communicable, including tuberculosis.

When said board shall have voted to establish such hospital, it shall have the following powers:

To purchase and lease real property therefor, or acquire such real property and easements therein by condemnation proceedings, in the manner prescribed by an act to regulate the ascertainment of payment of compensation for property condemned or taken for public use (revision of 1900) and the supplements thereto and the amendments thereof.

To erect all necessary buildings, make all necessary improvements and repairs, and alter any existing buildings for the use of said hospital: *Provided*, That the plans for each erection, alteration, or repair shall first be approved by the State board of health.

To appoint a board of managers for said hospital as hereinafter provided.

Upon request of the board of managers, to equip the hospital with all necessary furniture, appliances, fixtures, and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof, and shall purchase all necessary supplies.

To cause to be assessed, levied, and collected such sums of money as it shall deem necessary for suitable lands, buildings, and improvements for said hospital and for the maintenance thereof, and for all other necessary expenditures therefor; and to borrow money for the erection of such hospital and for the purchase of a site therefor on the credit of the county, and issue county obligations therefor, in such manner as it may do for other county purposes.

To accept and hold in trust for the county any grant or devise of land or any gift or bequest of money or other personal property or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

2. When the board of freeholders shall have determined to establish a hospital for the care and treatment of persons suffering from communicable diseases, and shall have acquired a site therefor and shall have awarded contracts for the necessary buildings and improvements thereon, it shall appoint nine citizens of the county, irrespective of religious or political belief, of whom at least three shall be practicing physicians, who shall constitute a board of managers of the said hospital. The term of office of three members of said board shall be for one year, three members for three years, and three members for five years.

Appointment of successors shall be for the full term of five years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause shall be made for the unexpired term.

Failure of any manager to attend three consecutive regular meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers. The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited and paid in the same manner as the other expenses of the hospital by the board of freeholders. Any manager may at any time be removed from office by the board of freeholders of the county for cause, after an opportunity to be heard.

3. The board of managers shall elect from among its members a president and one or more vice presidents. It shall appoint a superintendent of the hospital, who shall be also treasurer and secretary of the board and shall hold office at the pleasure of the board.

Said superintendent shall not be a member of the board of managers; shall be a qualified practitioner of medicine and a reputable physician of at least five years' experience in the practice of medicine, holding a New Jersey State license.

Said board of managers shall fix the salaries of the superintendent and all other officers and employees, subject to the approval of the board of freeholders, within the limits of the appropriation made therefor by such board of chosen freeholders, and such salaries shall be compensation in full for all services rendered. The board of managers shall determine the amount of time required to be spent at the hospital by said superintendent in the discharge of his duties; shall have the general superintendence, management, and control of the said hospital, of the grounds, buildings, officers, and employees thereof, of the inmates therein, and of all matters relating to the government, discipline, contracts, and fiscal concerns thereof, and make such rules and regulations as may seem to them necessary for carrying out the purposes of such hospital; shall maintain an effective inspection of said hospital and keep itself informed of the affairs and management thereof; shall meet at the hospital at least once in every month and at such other times as may be prescribed in the by-laws, and shall hold its annual meeting at least three weeks prior to the meeting of the board of freeholders at which appropriations for the ensuing years are to be considered.

Shall keep in a book provided for that purpose, a proper record of its proceedings, which shall be open at all times to the inspection of its members, to the members of the board of freeholders of the county and to duly authorized representatives of the State commissioner of institutions and agencies and of the State board of health.

Shall certify all bills and accounts, including the salaries and wages, and transmit them to the board of freeholders of the county, who shall provide for their payment in the same manner as other charges against the county are paid.

Shall make to the board of freeholders of the county annually, at such time as said freeholders shall direct, a detailed report of the operation of the hospital during the year, the number of patients received, the methods and results of their treatment, together with suitable recommendations and such other matter as may be required of them, and full and detailed estimates of the appropriations required during the ensuing year for all purposes, including maintenance, the erection of buildings, repairs, renewals, extensions, improvements, betterments, or other necessary purposes.

4. The superintendent shall be chief executive officer of hospital and subject to the by-laws, rules, and regulations thereof, and to the powers of the board of managers.

Shall have general supervision and control of the records, accounts, and buildings of the hospital, and all internal affairs, and maintain discipline therein, and enforce compliance with the [and?] obedience to all rules, bylaws and regulations adopted by the board of managers for the government, discipline, and management of said hospital and the employees and inmates thereof. He shall make such further rules, regulations, and orders as he may deem necessary, not inconsistent with law or with the rules, regulations, and directions of the board of managers.

Shall, with the consent of the board of managers, appoint such resident officers and such employees as he may think proper and necessary for the efficient performance of the business of the hospital, and prescribe their duties; and for cause stated in writing, after an opportunity to be heard discharge or suspend any such officer or employee at his discretion, subject to formal investigation by board of managers.

Shall cause proper accounts and records of the business and operations of the hospital to be kept regularly from day to day in books and on records provided for that purpose; and see that such accounts and records are correctly made up for the annual report of [to] the board of freeholders, as required by section three of this chapter, and present the same to the board of managers, who shall incorporate them in their report to the said freeholders.

Shall receive into the hospital under the general direction of the board of managers, in the order of application, any person found to be suffering from a communicable disease, who has a legal settlement in the county, or who has been an actual resident and inhabitant of the county for a period of at least one year prior to his application for admission to said hospital, or any person who may be committed to said hospital by an order of any judge of the court of common pleas: *Provided, however,* That patients suffering from tuberculosis shall be admitted into the hospital in accordance with the provisions of chapter 147 of the

Laws of 1918, with its various amendments and supplements, approved February 28, 1918, and chapter 217¹ of the Laws of 1912, approved March 28, 1912.

Any hospital erected and maintained under this act shall be used and devoted exclusively for and to the care and treatment of all persons in the county in which it is located who are afflicted with a communicable disease that in the judgment of the State board of health, local board of health, or its executive officer should be cared for in such hospital, providing the board of managers consider that buildings, pavilions, vacant beds, and the needed facilities are available, whether such persons be indigent or able to pay for the medical care, attendance, and treatment which they may receive therein: *Provided, however,* The said board of managers may make reasonable charges for the care and treatment of all persons received into such hospital who may be able to pay for the same, and any moneys received therefor shall be expended under the direction of said board toward the support of said hospital. The hospital authorities may decide, that in cases of emergency, the case or cases of a communicable disease may be received into the hospital from outside the county, providing a charge is made that will equal the actual cost of maintenance of said patients, providing there are vacancies that will admit of receiving such a patient or patients.

All expense and charges incurred in conducting and maintaining any such hospital, and in keeping the said building or buildings in repair, shall be paid by the county treasurer, from funds raised or to be raised, as far as necessary by taxation, as other county expenses are raised and paid.

Said superintendant shall cause to be kept proper accounts and records of the admission of all patients, their names, age, sex, color, marital condition, residence, occupation, and place of last employment.

Shall cause a careful examination to be made of the physical condition of all persons admitted to the hospital and provide for the treatment of each such patient according to his need; and shall cause a record to be kept of each patient when admitted and from time to time thereafter.

Shall temporarily discharge from said hospital any patient who shall willfully or habitually violate the rules thereof; or who is found not to have a communicable disease; or who is found to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the board of managers; who shall make such final disposition of the case as they may think proper.

Shall collect and receive all moneys due to the hospital, keep an accurate account of the same, report the same at a monthly meeting of the board of managers, and transmit the same to the county treasurer within ten days after such meeting.

Shall, before entering upon the discharge of his duties, give a bond in such sum as the board of managers may determine to secure the faithful performance of such duties.

Any resident of the county in which the hospital is situated desiring treatment in such hospital may apply in person to the superintendent or to any reputable physician for examination, and such physician, if he finds that said person is suffering from a communicable disease in any form except tuberculosis for which the hospital is equipped, may apply to the superintendent of the hospital for admission. All such applications shall state whether, in the judgment of the physician, the person is able to pay in whole or in part for his care and treatment while at the hospital; and every application shall be filed and recorded in a book kept for that purpose in [the order of] its receipt. When said hospital is completed and ready for the treatment of patients or whenever thereafter there are vacancies therein, admission to said hospital, except in emergency, shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided, in so far as such applicants are certified to by the superintendent to be suffering from tuberculosis. No discrimination shall be made in the accommodation, care, or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance in whole or in part; and no officer or employee of such hospital shall accept from any patient thereof any fee, payment, or gratuity whatsoever for his services, and any such person having [been] so admitted shall not be discharged without having first obtained permission of the superintendent or board of managers of such hospital, so that such person may not become a menace to the community. The board of managers shall have the

¹ Reprint 200 from Public Health Reports, p. 136.

right to hold and obtain any patient admitted to said hospital when in their judgment it is for the benefit of said patient or for the community that said patient remain therein, but said patient or any person as his next friend may apply to the court of common pleas in a summary manner for the discharge of said patient. The medical superintendent shall have the custody and control of every person admitted as a patient to said hospital until properly discharged, and, subject to the regulations, established by the board of managers, may restrain and discipline any patient in such manner as in his opinion is required for the welfare of said patient.

Whenever a patient has been admitted to said hospital from the county in which the hospital is situated, the superintendent shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable [able] to pay for his care and treatment in whole or in part, an order shall be made directing such patient or said relatives to pay to the hospital for the support of such patient a specified sum per week, in proportion to their financial ability. The superintendent shall have the same power and authority to collect such sum from the estate of the patient, or his relative legally liable for support, as is possessed by an overseer of the poor in like circumstances. If the superintendent finds that such patient, or said relatives, are not able to pay either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the county. Should there be a dispute as to the ability to pay, or doubt in the mind of the superintendent, the court of common pleas may hear and determine same, after calling witnesses, and make such order as may be proper.

The superintendent of the hospital shall admit the managers into every part of the hospital and the premises and give them access on demand to all books, papers, accounts, and records pertaining to the hospital, and shall furnish copies, abstracts, and reports whenever required by them. All hospitals established or maintained under the provisions of this act shall be subject to inspection by any duly authorized representative of the State board of institutions and agencies, of the State department of health, of the State Charities Aid Association, and of the board of freeholders of the county; and the superintendent shall admit such representatives into every part of the hospital and its buildings, and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital.

5. All acts and parts of acts inconsistent herewith are hereby repealed.

6. Nothing in this act contained shall be interpreted to repeal, modify, or change the provisions of chapter 147 of the Laws of 1918, approved February 28, 1918, or of chapter 217 of the Laws of 1912, approved March 28, 1912, as amended by chapter 269 of the Laws of 1922, in so far as they relate to the admission of patients suffering from tuberculosis or to the determination of settlement, indigency, payment for maintenance, or the collection of such payments in all cases of patients admitted to the said hospital suffering from tuberculosis.

Boards of Health in Certain Townships—Appointment. (Ch. 33, Act Mar. 7, 1923)

1. In all townships of this State having a population of more than 20,000 inhabitants as shown by the last State or Federal census there shall be a local board of health, which shall be composed of not less than five nor more than seven members, who shall be appointed in such manner and hold their respective offices for such terms, not exceeding four years, as the township committee or other governing body may by ordinance provide; the terms of office of the members of said local board shall be so arranged that the terms of not more than three members shall expire in any one year; if any vacancy shall occur in said board, it shall be filled in the same manner in which the original appointments were made, but for the unexpired time only.

Imitation Butter or Cheese—Certain Words or Representations Not to be Contained in Advertisements Relating to. (Ch. 138, Act Mar. 21, 1923)

1. Any person, firm, corporation, or association who with intent to sell or in anywise dispose of any oleomargarine or butterine or suine, or any substance in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured, or compounded out of any animal or vegetable or mineral fat or oil not produced from pure milk or cream, from pure milk, or with

intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this State, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in the form of a label or designation upon any tub, pail, box, carton, wrapper, or other container, or in any other way an advertisement which contains the word "Holstein," "Jersey," or "Guernsey," or any other word which is commonly used as designating a breed of cows, or bearing any representation or picture of a cow, or the word creamery or butter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in a sum not to exceed \$1,000 or imprisonment in the county jail for a period not exceeding the year, or by both such fine and imprisonment.

Shellfish—Arrests and Court Proceedings in Cases of Violations of Act to Secure the Purity and Wholesomeness of. (Ch. 46, Act Mar. 12, 1923)

1. Section 3 of the act [An act to amend and supplement an act entitled "An act to secure the purity and wholesomeness of shellfish," approved February 29, 1912, approved March 18, 1921] to which this act is amendatory be, and the same hereby is, amended to read as follows:

"3. Any constable, police officer, or inspector of the department of health of the State of New Jersey or of a local board of health is hereby empowered to arrest, without warrant, any person who shall, within the view of such constable, police officer, or inspector, violate any of the provisions of this act, and take such person before a judge of a district court, justice of the peace, or recorder in the county where the offense was committed, and said judge of the district court, justice of the peace, or recorder before whom such offender shall be taken is hereby authorized and required, after receiving from said constable, police officer, or inspector of the department of health of the State of New Jersey or of a local board of health, a complaint in writing, duly verified, setting forth the nature of the offense for which such person was arrested, to proceed to hear and determine the matter and impose the penalty provided in section 9 of this act."

Animals Infected with Glanders, Farcy, or Other Communicable Disease—Sale, Use, or Exposure of, Unlawful—Refusal to Destroy Animal Diseased Beyond Recovery Unlawful. (Ch. 82, Act Mar. 17, 1923)

1. Any person who shall willfully sell, or offer to sell, use, expose, or who causes or permits to be sold or offered for sale, used, or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or when any such disease is beyond recovery, refuses, upon demand, to deprive any such animal of life, shall be guilty of a misdemeanor.

Midwives—Requirements for Examination—Refusal, Revocation, or Suspension of License. (Ch. 99, Act Mar. 19, 1923)

1. Section 2 of the act [A supplement to an act entitled "An act to regulate the practice of midwifery in the State of New Jersey," approved March 8, 1892, approved April 12, 1910] of which this act is amendatory be, and the same is hereby, amended so that it shall read as follows:

"2. Candidates for examination shall present to the said board, at least ten days before the commencement of the State examinations, a written application on a form or forms provided by the said board, setting forth under affidavit the name, age, nativity, residence, moral character, and time spent in obtaining a common-school education, or its equivalent; that the candidate has received a certificate or a diploma from a legally incorporated school of midwifery, or maternity hospital, in good standing in the opinion of the said board at the time of issuing of said certificate or diploma, granted after at least eighteen hundred hours' instruction within a period not less than nine months, or a certificate or diploma from a foreign institution of midwifery of equal requirements as determined by the said board, conferring the full right to practice midwifery in the country in which it was issued.

"The application must bear the seal of the institution from which the applicant was graduated. Foreign graduates must present with the application a translation of their foreign certificate or diploma, made by and under the seal of the consulate of the country in which the said certificate or diploma was issued. The applications must be indorsed by a registered physician of New Jersey."

2. Section 6 of the act of which this act is amendatory be, and the same is hereby, amended so that it shall read as follows:

"6. Said board may refuse to grant, may revoke, or may suspend any license for any of the following reasons, namely: Persistent inebriety, the practice of criminal abortion, crimes involving moral turpitude, presentation of a certificate or diploma for registration or license illegally obtained, application for examination under fraudulent representation, neglect or refusal to make proper returns to the health officers or health department of births, or of a puerperal, contagious or infectious disease, within the legal limit of time; failure to secure the attendance of a reputable physician in case of miscarriage, hemorrhage, abnormal presentation or position, retained placenta, convulsions, prolapse of the cord, fever during parturient stage, inflammation or discharge from the eyes of the new-born infant, or whenever any abnormal or unhealthy symptoms appear in either the mother or infant during labor or the puerperium; or where any person has been three times convicted of any violation of any ordinance of any local board of health regulating the practice of midwifery, and for the purpose of this provision payment of a penalty for violation of any such provision of any such ordinance shall be deemed equivalent to a conviction.

"In complaints of violations of the provisions of this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and any midwife refused admittance to the examination, or whose license has been revoked or suspended, who shall attempt or continue the practice of midwifery shall be subject to the penalties hereinafter prescribed."

NEW MEXICO

Tuberculosis—Persons Affected with, Not to be Employed in Schools. Teachers—Furnishing of Health Certificates by. (Ch. 148, Act Mar. 13, 1923)

SEC. 1109. No person shall be employed in the schools of the State who are [is] afflicted with tuberculosis. All teachers shall present to the governing authorities of the schools where employed a certificate from a licensed physician to the effect that they are free from any transmissible disease: *Provided*, That when any teacher shall be reemployed for another year no new health certificate shall be furnished unless required by the governing authorities.

Cannabis Indica—Importation, Production, Sale, and Dispensing. (Ch. 42, Act Mar. 7, 1923)

SECTION 1. It shall be unlawful to import into the State of New Mexico cannabis indica, also known as hashish and mariguana, in any form or any preparation or derivative thereof: *Provided*, That cannabis indica, also known as hashish and mariguana, may be imported for medicinal purposes only and then only by licensed pharmacists and licensed physicians of the State of New Mexico.

SEC. 2. That if any person shall fraudulently or knowingly import or bring into the State of New Mexico, or assist in so doing any cannabis indica or any preparation or derivative thereof contrary to law, or shall receive, conceal, or in any manner facilitate the transportation or concealment of such cannabis indica or preparation or derivative thereof, after importation, such cannabis indica or preparation or derivative thereof shall be forfeited, and shall be destroyed and the offender shall be fined in any sum not exceeding \$500 and not less than \$100, or by imprisonment for any time not exceeding three years and not less than one year, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such cannabis indica or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

SEC. 3. It shall be unlawful for any person, association, or corporation, within this State to plant, cultivate, produce, sell, barter, or give any cannabis indica, be it known by whatever name, or preparation or derivative thereof, or offer any such cannabis indica, or preparation or derivative thereof for sale, gift, barter, or trade: *Provided*, Nothing in this section shall be held to apply to such sale, gift, barter, or trade of cannabis indica by licensed physicians or licensed pharmacists upon the written prescription of regular licensed physicians when the same is intended for medicinal or scientific purposes only.

SEC. 4. Any person violating any of the provisions of the preceding section 1 shall, for the first offense, be imprisoned for a period of not less than one year nor more than three years, and for the second and any subsequent offense shall be imprisoned for not less than three years and not more than five years.

Insanitary Toilets—Maintenance of, Prohibited—Abatement. (Reg. Bd. of Public Welfare, Nov. 12, 1923)

SECTION 1. It shall be unlawful for any person, firm, corporation, municipality, society, church, school, proprietor of a lodging, rooming or boarding house, or of a hotel, or for others, to maintain an insanitary privy, vault, toilet, cesspool, septic tank, or other provision for the receipt, collection, or disposal of human filth or excrement, within 500 feet of any school building, house, dwelling, lodging house, or other place regularly or temporarily used for human habitation: *Provided*, That this shall not apply to any private residence used by a single household, if said residence is located at least one-half mile from any other human habitation.

SEC. 2. For the purpose of this regulation certain terms are defined as follows:

Privy.—Any structure, house, shed, or room containing any seat, trough, bowl, or opening used or intended to be used for human defecation or urination, whether the same be placed over or adjacent to, or in any way connected with, any vault, cesspool, or pit, or whether the excreta are deposited on the floor or ground. All privies shall be subject to the approval of the State bureau of public health.

Vault.—Any excavation or opening in the ground or beneath the ground surface, used or intended to be used for receiving and containing human excrement, urine, or fecal matter: *Provided*, That this term shall not include the terms "cesspool" and "septic tank."

Cesspool.—Any vault used in connection with a water-carriage plumbing system, the solid matters carried therein being retained in the cesspool and the liquids seeping or leaching away through the surrounding soil.

Septic tank.—Any vault used in connection with a water-carriage plumbing system, or beneath a privy, the solid matters therein being digested in the tank and the liquid effluent being treated in a manner approved by the State bureau of public health.

Insanitary privy, toilet, or vault.—One in which human excrement is exposed to the approach of flies or other insects, or of animals; or one in which the contents may be scattered upon the open ground or carried into any well, cistern, or stream, either by surface drainage or seepage.

Insanitary cesspool or septic tank.—One in which the contents are exposed to the approach of flies or other insects, or of animals; or one which permits the contents to overflow upon the open ground or to be carried into any well, cistern, or stream: *Provided*, That this shall not apply to the proper disposal of the effluent from a septic tank when the same has been approved by the State bureau of public health.

Stream.—Shall include ditches used for irrigation purposes.

SEC. 3. A privy, vault, cesspool, toilet, septic tank, or other system of excreta disposal, to be acceptable within the intent of this regulation, shall be so constructed that the contents shall, at all times, be protected from the approach of flies or other insects, or of animals, and shall prevent the scattering or overflowing of the contents upon the open ground or their carriage into any well, cistern, or stream, either by surface drainage or seepage.

SEC. 4. (a) Whenever any insanitary privy, vault, toilet, cesspool, or septic tank, or other system of human excreta disposal, shall be found to exist within the limits prescribed in section 1 hereof, the county health officer having jurisdiction shall immediately serve an order for abatement upon the owner, occupant, person, firm, corporation, or other, who is responsible for the maintenance or existence of the same. Said order for abatement shall, (1) Describe the location of the insanitary facilities, so that the same may be identified; (2) command the party to whom the order is addressed to correct the insanitary condition within thirty days from receipt of order; and (3) shall state the procedure necessary to remedy the insanitary condition. Said notice shall be served by the county health officer in person, by his authorized agent, or by registered mail, with return receipt demanded.

(b) If, upon the expiration of the thirty-day period allowed by said order the insanitary condition has not been corrected, the county health officer shall immediately file complaint against said party before the justice of the peace or the district court having jurisdiction.

(c) Each day upon which the insanitary condition remains uncorrected, after the expiration of the thirty-day period allowed in the said order of abatement, shall constitute a separate violation of this regulation, upon the filing of a proper complaint by the county health officer having jurisdiction.

SEC. 5. Nothing in this regulation shall be construed to conflict with the statutes of this State providing for the abatement of nuisances, nor with the regulations of the State board of health governing water supplies and sewage disposal, nor with any city, town, or village ordinance governing the disposal of sewage: *Provided, however*, That this regulation shall be considered as supplementing said statutes, regulations, and ordinances.

NEW YORK

Communicable Diseases—Reports of Cases on Dairy Farms. Free Vaccination—Providing of. Deaths from Communicable Diseases—Reports of, by Local Registrars of Vital Statistics to Local Health Officers—Duty of Health Officers Upon Receipt of Reports of, from Local Registrars of Vital Statistics. (Reg. Dept. of H., Feb. 13, 1923)

[CH. II] *REGULATION 8. Reporting cases of communicable disease on dairy farms by physicians.*—When a case of Asiatic cholera, diphtheria, amebic or bacillary dysentery, encephalitis lethargica, epidemic cerebrospinal meningitis, epidemic or septic sore throat, paratyphoid fever, poliomyelitis acute anterior (infantile paralysis), scarlet fever, smallpox, or typhoid fever exists on any farm or dairy producing milk, cream, butter, or other dairy products for sale, it shall be the duty of the physician in attendance to report immediately to the local health officer the existence on such farm or dairy of such case.

It shall be the duty of the health officer to report immediately to the State commissioner of health, by telephone or telegram, the existence on such farm or dairy of such case, together with all facts as to the isolation of such case, and giving the names of the localities to which such dairy products are delivered: *Provided*, That in any general health district the local health officer shall report such case immediately by telephone or telegram to the general district health officer instead of to the State commissioner of health, and such general district health officer shall report such case immediately to the State commissioner of health by telephone or telegram.

REGULATION 31. Provision for free vaccination.—It shall be the duty of the board of health of every municipality to provide, at public expense, free vaccination for all persons in need of the same, except that in a general health district such cost shall be a charge upon such general health district.

REGULATION 42 b. Duties of registrars and health officers when deaths from communicable diseases are reported.—1. It shall be the duty of the local registrar of vital statistics whenever a certificate of death from a communicable disease has been filed with him to immediately report to the health officer the name, age, and address of the deceased, together with the disease, and the name of the physician who has filed such certificate.

2. It shall be the duty of every health officer upon receiving such notice to ascertain immediately whether such person has been reported during life with such communicable disease.

3. It shall be the duty of every health officer (except in a general health district) if he ascertains that a physician has failed to report a case of communicable disease, to inform the physician of his failure to conform with the sanitary code, and to report to the State department of health the name of every physician failing to report cases of communicable diseases.

4. In any general health district it shall be the duty of the local health officer upon the receipt of any report, under the provisions of paragraph 1 of this regulation, to forward such report at once to the general district health officer, who, if he ascertains that the physician has failed to report such case of communicable disease, shall inform the physician of his failure to conform with the provisions of the sanitary code, and shall report such fact with the name and address of such physician to the State department of health.

Typhoid Fever Carriers—Definition—Reports of, by Health Officers to State Department of Health—Instructions to be Given to, by Health Officers—Requirements Governing Outside Toilets Used by—Prohibited Occupations—Residence upon Dairy Farms Regulated—Change of Residence—Visitation of, Periodically by Health Officers—Discharge from Observation. (Reg. Dept. of H., Jan. 16, 1923)

1. A typhoid carrier is hereby defined to be a person whose discharges contain typhoid bacilli, regularly or intermittently. However, a person continuing to discharge typhoid bacilli following an attack of typhoid fever shall be regarded as a convalescent case for a period of at least eight weeks following subsidence of clinical symptoms.

2. The health officer, upon the determination that a person is a typhoid carrier, shall immediately report the fact to the State department of health, giving the full name, age, occupation, and address of such carrier, together with any other information relative to possible or probable infection of others. He shall also inform such person, or in case of a minor, his guardian, that he is a typhoid carrier and shall give instructions in detail as to the precautions to be observed in disposing of discharges. Instructions given by the health officer shall include a copy of these rules and regulations and directions to wash the hands thoroughly with soap and water immediately after using the toilet and to use individual towels.

3. An outside toilet used by a typhoid carrier shall be equipped with watertight container and be so screened as to exclude flies. The removal of the contents and disposal of such containers shall be in accordance with instructions given by the health officer.

4. No typhoid carrier shall engage in an occupation involving the handling of milk or other food product likely to be consumed raw or liable to convey infective material. No typhoid carrier shall be permitted to reside upon a dairy farm, except under conditions to be prescribed by the health officer.

5. No typhoid carrier shall change his residence without previously notifying the health officer in whose jurisdiction he has been living and informing such health officer of his new address. The health officer shall immediately inform the State department of health of such change of residence and the director of the division of communicable diseases of the State department of health will notify the health officer into whose jurisdiction such carrier has removed.

6. The local health officer shall visit each typhoid carrier within his jurisdiction at least once quarterly in order to determine whether instructions are being complied with, and once in each quarter shall render a report regarding each such carrier to the State department of health upon a form prescribed for the purpose.

7. A carrier may not be discharged from observation except with the approval of the State commissioner of health.

NOTE.—In submitting fecal specimens to the laboratory always induce catharsis unless the suspected carrier is already suffering from diarrhea or unless it is contra-indicated by his physical condition.

State Tuberculosis Hospital for Incipient Pulmonary Cases—Medical Treatment of Patients in, to be Under General Supervision and Control of State Commissioner of Health. (Ch. 641, Act May 22, 1923)

SECTION 1. Chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," is hereby amended by inserting therein a new article, to follow article 18, to be article 19, to read as follows:

"ARTICLE XIX

"CONTROL AND SUPERVISION OF HOSPITAL FOR TREATMENT OF INCIPIENT PULMONARY TUBERCULOSIS

"Sec. 348. *Hospital continued.*—The State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Raybrook is hereby continued; but hereafter the medical treatment of patients in such hospital shall be under the general supervision and control of the commissioner of health.

"SEC. 349. *Board of trustees; supervision of commissioner.*—The board of trustees of such hospital, as constituted pursuant to the provisions of article 10 of the State charities law, is hereby continued with all the powers and duties conferred and imposed by such article, except as otherwise provided in this article."

Hospitals, Camps, or Other Establishments for the Treatment of Tuberculosis—Approval of Establishment of. (Ch. 510, Act May 21, 1923)

SECTION 1. Section 319 of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," as amended by chapter 421,¹ of the Laws of 1919, is hereby amended to read as follows:

"SEC. 319. *Consents requisite to the establishment of hospitals or camps for the treatment of pulmonary tuberculosis.*—A hospital, camp, or other establishment for the treatment of patients suffering from the disease known as pulmonary tuberculosis shall not be established in any town by any person, association, corporation, or municipality except when authorized as provided by this section. The person, association, corporation, or municipality proposing to establish such a hospital, camp, or other establishment shall file with the State commissioner of health a petition describing the character thereof, stating the county and town in which it is to be located, and describing the site in such town for such proposed hospital, camp, or other establishment, and requesting the commissioner to fix a date and place for a hearing on such petition before the State commissioner of health and the local health officer, who shall constitute a board to approve or disapprove the establishment of such hospital, camp, or other establishment in accordance with such petition. The State commissioner of health shall fix a date and place for a hearing on such petition, which date shall be not less than thirty nor more than forty days after the receipt thereof. A notice of such hearing specifying the date and place thereof and briefly describing the proposed site for such hospital, camp, or other establishment shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and each member of the board of health of the town in which it is proposed to establish such hospital, camp, or other establishment at least twenty days before the hearing, and also published twice in a local newspaper of the town, or if there is no such paper published therein, then in the newspapers of the county designated in pursuance of law to publish the concurrent resolutions. At the time and place fixed for such hearing the State commissioner of health, or his deputy when designated by the commissioner, and the local health officer shall hear the petitioner and any person who desires to be heard in reference to the location of such hospital, camp, or other establishment, and they shall within thirty days after the hearing, if they are able to agree, approve or disapprove of the location thereof and shall notify the person, association, corporation, or municipality of their determination. At any time after the filing of such petition and before the acquiring of the title of such site the State commissioner of health, on the written request of the person, association, corporation, or municipality filing such petition, may modify the description of such proposed site as stated in such petition by omitting therefrom any portion of the site so described not yet acquired which he shall determine to be unnecessary for the purposes of such hospital, camp, or other establishment. The State commissioner of health shall within thirty days after such determination to modify such description notify the petitioner thereof in writing. The determination of the State commissioner of health, or his deputy, as the case may be, and the local health officer shall be final and conclusive; but if within thirty days after the hearing they are unable to agree they shall within such thirty days notify the person, association, corporation, or municipality proposing to establish such hospital, camp, or other establishment that they are unable to agree. Within ten days after the receipt of such notice such person, association, corporation, or municipality may file in the office of the State commissioner of health a request that the petition be referred to a board consisting of the lieutenant governor, the speaker of the assembly, and the State commissioner of health. Such officer shall approve or disapprove of the proposed location of such hospital, camp, or other establishment after a hearing, of which notice shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and to each member of the local

¹ Supplement 42 to Public Health Reports, p. 549.

board of health of the town, or without a hearing, upon the evidence, papers, and documents filed with the State commissioner of health or that may be submitted to them, as the board shall determine. They shall make their determination within thirty days after the request for such submission has been filed in the office of the State commissioner of health and cause a copy thereof to be mailed to the person, association, corporation, or municipality proposing to establish such hospital, camp, or other establishment and to the health officer of the town in which it is proposed to establish the same. Such determination shall be final and conclusive."

State Commissioner of Health—Salary and Expenses. Deputy State Commissioner of Health and Other Assistants—Appointment and Compensation. (Ch. 485, Act May 21, 1923)

SECTION 1. Section 3 of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," as last amended by chapter 541² of the Laws of 1919, is hereby amended to read as follows:

"SEC. 3 *Compensation of officers and employees.*—The commissioner of health shall receive an annual salary of \$8,000 and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The commissioner of health shall appoint a deputy commissioner and such other assistants as are necessary for the proper performance of the powers and duties of the department, and fix their compensation within the amount appropriated therefor by the legislature."

SEC. 2. This act shall take effect July 1, 1923.

Local Health Officers—Required to Submit Monthly Reports to State Commissioner of Health. (Reg. Dept. of H., Feb. 13, 1923)

[CH. VII] REGULATION 7. *Local health officers to file monthly reports with State commissioner of health.*—Local health officers shall submit monthly reports to the State commissioner of health on forms to be prescribed by him, except that in a general health district such reports shall be forwarded to the State commissioner of health through the general district health officer.

Public Health Nurses—Requisite Qualifications. (Reg. Dept. of H., Dec. 11, 1923)

Resolved, That public health nurses appointed after January 1, 1924, by public authorities shall possess the following qualifications:

(1) They shall be not less than 21 years of age at the time of their appointment;

(2) They shall be registered nurses. Be it

Further resolved, That public health nurses appointed after January 1, 1925, by public authorities shall have completed a course in public health nursing approved by the public health council.

Provided, however, That upon application in writing by the appointing power or by the nurse these qualifications may be waived by the public health council.

General Health Districts—Establishment, Operation, and Maintenance—Appointment, Compensation, Powers, and Duties of Boards of Health and Health Officers of. (Ch. 636, Act May 22, 1923)

SECTION 1. Section 20-b of chapter 49 of the Laws of 1909, entitled "An act in relation to public health, constituting chapter 45 of the Consolidated Laws," as added by chapter 509 of the Laws of 1921, is hereby amended to read as follows:

"SEC. 20-b. *General health districts.*—1. The words "general health district," whenever used in the public health law, shall mean a general health district established pursuant to the provisions of this section.

"2. The board of supervisors of any county, with the approval of the State commissioner of health, shall have the power to establish such county or any part or parts thereof as a general health district, and in such event shall appoint a board of health for each of such general health districts as shall be so estab-

² Supplement 42 to Public Health Reports, p. 550.

lished. No city of the first or second class or any part thereof shall be included as a part of any such general health district the establishment of which is provided for herein, and no city of the third class or any part thereof shall be so included as part of such general health district to be established by any board of supervisors, unless the mayor and common council of such city of the third class, or the officials exercising similar powers, shall have consented thereto.

"3. The county medical society of a county in which it is proposed to establish a general health district as herein provided may submit to the board of supervisors a list of physicians not exceeding ten in number, and from which names so submitted the board of supervisors may choose the medical members of the board of health of such proposed general health district within the county. The board of health to be so established for such general health district shall consist of seven members, one of whom shall be the chairman of the board of supervisors ex officio or a member of the board of supervisors ex officio selected by the board of supervisors, and at least two of whom shall be graduates of at least three years' standing of a medical college recognized and approved by the board of regents of the State of New York. The said members of such board of health to be so established as herein provided shall also be residents of the general health district of the county in which they may act as members of the board of health of such general health district. The term of office of each appointive member of said board of health herein provided for shall be six years, and the term of one of the members shall expire annually. The first appointments shall be made for the respective terms of six, five, four, three, two, and one years.

"4. The members of the board of health so established for a general health district within a county shall receive for attendance at meetings of the board a per diem allowance which shall be the same as the per diem allowance of justices of the peace when acting as members of town boards in the vicinity, and in addition thereto they shall be allowed their respective actual and necessary traveling expenses, to be audited and paid in the same manner as provided for with respect to the other expenses of such board of health.

"5. Where the health district includes the whole county, all charges and other expenses of such district shall be audited and paid in the same manner as other charges against the county. All accounts, charges, claims, and demands of such general health district, where such district is less than a county, shall be presented and paid in the same manner as expenses, charges, claims, and demands of consolidated health districts, and for such charges the board of health of any such general health district shall have all the powers of the board of health of a consolidated health district, as set forth in sections 20 and 20-a of this article.

"6. When such board of health for a general health district in a county has been established as herein provided for, it shall, within the limits of its district, exercise all the powers and perform all the duties of local boards of health conferred by any law or laws or by the State sanitary code.

"7. Such board of health of a general health district shall elect one of their own number as president thereof and shall also appoint a district health officer, who, in addition to his duties as health officer, shall act as secretary to such board of health, without compensation extra to that paid to him as district health officer, and such district health officer who shall be appointed shall possess such qualifications for office as shall have been approved by the public health council. Such health officer shall serve for a term of six years and shall, where the district embraces the whole county, devote his whole time to the duties of his office, and he shall receive such compensation as the district board of health shall determine. The district health officer shall, within his district, possess all the powers and duties conferred upon local health officers by any law or laws or by the sanitary code established by the public health council pursuant to law. Such district health officer shall not be removed during the term for which he shall have been appointed, except upon written charges after a hearing had thereon, upon notice to such district health officer.

"8. Local health districts now existing within the area of any such general health district shall continue to exist as subdivisions of the general health district. Local boards of health within such general health districts shall continue to exist and to retain their powers and duties subject to the rulings and ordinances of the district health board, and may continue to appoint local health officers for such local health districts as provided by law, subject, however, to any local health district being consolidated with an adjoining health district within the general health district of any county.

"9. The board of supervisors shall have power within any general health district to consolidate with adjoining health districts any local health districts. When such consolidation shall have been determined upon by the board of supervisors, the same steps shall be taken and the same rights and duties devolve upon all persons as ensue upon the signing of an order by the State commissioner of health as provided for by sections 20 and 20-a of this article: *Provided, however,* That no consolidation so ordered shall take effect until the expiration of the terms of the local health officers affected who are in office on the 1st day of July, 1921, unless with the consent of such local health officers.

"10. Nothing herein contained shall operate to modify any provisions of law relative to the amount of and manner of payment of the compensation of local health officers within a general health district, and such compensation shall be continued to be paid to such local health officers during their tenure of office after the adoption of this section by any county, and charged upon the particular municipality in the same manner as before the adoption of this section by any county other than where there has been a consolidation of local health districts. The local health officer who shall act as the health officer of any consolidated district within a general health district shall be paid compensation in the manner provided for by law with respect to the organization of consolidated health districts, and compensation of the officers and employees thereof.

"11. The local health officers within a general health district in addition to such duties as may be cast upon them pursuant to law, shall also act as deputies to the general district health officers [officer] and may for the performance of duties assigned to them by the general district health officer outside of the districts for which they are local health officers, receive such compensation as may be determined by the board of health of the general health district. They shall, subject to the supervision of the general district health officer, perform within their local districts all the duties of local health officers and shall serve for the same terms and under the same conditions as now are or hereafter may be prescribed by law. The present local health officers, in office at the time of the adoption of this act by any county, shall act as such deputies to the district health officer during their present term of office and shall be eligible for reappointment, if they have complied with the qualifications prescribed by the public health council, and hereafter no one shall be appointed as such local health officer unless he has complied with the qualifications prescribed by the public health council or been duly exempted therefrom.

"12. The health officer of each city, village, town, and consolidated health district included as part of any general health district shall transmit daily all original reports of communicable disease cases and all registrar's reports of deaths from communicable diseases to the health officer of such general health district. The district health officer shall transmit the original reports of communicable disease cases within twenty-four hours after he receives them to the State health department.

"13. Whenever the provisions of this section shall have been proposed to be adopted by any county, and steps have been taken to establish a general health district within any such county, the board of supervisors, through their clerk, shall notify the State commissioner of health in writing of the proposed establishment of such general health district, and in such notice state the extent of the territory intended to be included within such district. The consent of the State commissioner of health to the establishment of any such general health district within any county shall be in the form of a certificate, setting forth the approval of the State commissioner of health to the establishment of a proposed general health district within any county, and such certificate shall be filed with the clerk of the board of supervisors of the county in which it is proposed to establish any such general health district.

"14. The board of supervisors is hereby authorized to borrow money to defray the expenses for the establishment and maintenance of such general health district until the beginning of the next fiscal year of such county succeeding the organization and establishment of such general health district. Such sums, when collected and paid to the county treasurer, shall be paid out by him upon the audit of the president of the board of health of such general health district, in the payment and discharge of such items of expense as may be incurred by such general board of health, and in addition thereto shall, upon the certificate of the president of the board of health of such general health district, pay to the employees of such district board of health and to the officers and members thereof their compensation as shall be lawfully fixed.

"15. For subsequent years an estimate of the necessary expenses of such general health district shall be prepared by the board of health of such general health district and shall be transmitted by the president thereof to the board of supervisors of the county within such period of time as shall enable the board of supervisors to inquire into the necessity for the items of such estimate as may be transmitted to them by the board of health of any general health district, and the board of supervisors shall levy a tax upon the real and personal property within the limits of such general health district sufficient to provide such sums as the board of supervisors may deem necessary to meet the expenses of such general health district and chargeable to the real and personal property of each municipality embraced within the limits of such general health district. In preparing the items of any estimate of the expenses of the board of health of a general health district, the board of supervisors may lawfully include therein and approve all items of expenses which may in any degree tend to promote the efficiency of the administration of the provisions of the public health law, and other regulations adopted in pursuance of the authority thereof, within any general health district within a county."

Certain Counties Making Appropriations and Expenditures for Public Health Work—State Aid to. (Ch. 662, Act May 22, 1923)

SECTION 1. Chapter 49 of the Laws of 1909, entitled "An act in relation to public health, constituting chapter 45 of the Consolidated Laws," is hereby amended by inserting therein a new article to follow article 2-a, to be article 2-b, to read as follows:

"ARTICLE II-B

"STATE AID TO COUNTIES

"SEC. 19. *State aid to counties engaging in public health work.*—Whenever the board of supervisors of a county, exclusive of a county having within its boundaries a city of the first or second class, shall appropriate and expend moneys for the construction, establishment, or maintenance by such county of a county community, or other public hospital, clinic, dispensary, or similar institution, or for the purpose of defraying the expenses of such county in any public enterprise or activity for the improvement of the public health, or any public health work undertaken by such county, such county shall receive State aid in the manner and subject to the conditions prescribed in this article. The legislature from time to time shall make appropriation for the purpose of rendering such State aid.

"SEC. 19-a. *Approval of State commissioner of health.*—It shall be the duty of the State commissioner of health to formulate standards of construction, equipment, service, administration, and work which must be complied with by such counties in order to be entitled to State aid, and no State aid shall be given to any county unless the State commissioner of health, after inspecting [sic] and examination, by him or his representative, shall make his certificate that such construction, equipment, service, administration, or work is necessary to the public health and conforms to the standards so established therefor.

"SEC. 19-b. *Statement by clerk of board of supervisors; approval; amount of State aid; payment.*—The clerk of the board of supervisors of each such county shall, on or before the 1st day of January of each year, transmit to the State comptroller a statement verified by the chairman of the board, and certified by the clerk, which shall state the amount appropriated and expended during the preceding year by such county for a purpose specified in section 19 of this article. On or before the 1st day of March next succeeding, the State commissioner of health shall transmit to the comptroller a certificate stating whether or not the amount specified in each such statement, or any part thereof, was expended by the county for a purpose mentioned in section 19 of this article, was necessary to the public health, and was conformable to the standards established by the commissioner of health. On receiving such approval of the State commissioner of health, the comptroller shall draw his warrant upon the State treasurer for 50 per cent of the amount, as approved by the State commissioner of health, appropriated and expended by each such county, and the treasurer shall pay the amount set forth in such warrant to the county treasurer of the county entitled thereto."

Public Health Laboratories—Establishment, Management, Operation, and Maintenance—State Aid. Laboratory Service—Providing of—State Aid.
(Ch. 638, Act May 22, 1923)

SECTION 1. Article 3 of chapter 49 of the Laws of 1909, entitled "An act in relation to public health, constituting chapter 45 of the Consolidated Laws," is hereby amended by inserting therein six new sections, to be known as sections 20-c, 20-d, 20-e, 20-f, 20-g, 20-h, and to read as follows:

"SEC. 20-c. *Laboratories.*—The board of supervisors of any county may establish therein a laboratory or laboratories which shall serve the whole or part of the county. In the resolution of the board of supervisors establishing such laboratory they shall define the area which it is intended to serve, which area from time to time may by resolution be altered: *Provided, however,* That in defining such area the territory included in a town shall not be divided: *And provided further,* That no city or any part thereof shall be included in the area so defined, unless the mayor and the common council, or the officials exercising similar powers, shall have consented thereto. The services of such laboratories shall be rendered at a moderate charge or free.

"The board of supervisors may, in lieu of the establishment of a laboratory and with the approval of the State commissioner of health, provide for laboratory service by contracting with an established laboratory which is conveniently located, and when such service shall have been provided shall be entitled to such State aid as would be provided for under this act if the amount expended for service were expended for maintenance and operation of a laboratory established in accordance with the provisions of this act.

"Upon the petition signed by two hundred or more taxpayers of the county or district to be served by such a laboratory, the governing body of that county or district at the next date for filling an elective office shall hold a referendum upon the question of establishing a laboratory. If a majority of the votes cast are in favor of establishing such a laboratory, it shall be mandatory upon the governing body of that county or district to take the steps necessary for the establishment and maintenance of such a laboratory as provided for by this act.

"SEC. 20-d. *Powers of boards of supervisors in relation to laboratories.*—The board of supervisors, when they shall have determined to establish such a laboratory, shall have the following powers:

"1. To acquire by purchase, exchange, or otherwise, necessary real property, buildings, or rooms, or to erect necessary buildings.

"2. To cause to be assessed, levied, and collected, in the same manner as other charges against the county, such sums of money as it shall deem necessary for laboratory purposes and to borrow money for such purposes on the credit of the county and issue county obligations therefor in the same manner as it may do for other county purposes: *Provided, however,* That where a laboratory is intended to serve less than a whole county the expenditures made in connection therewith shall be assessed only against the area served by the laboratory.

"3. To accept and hold in trust for the county any grant or devise [devise] of land or any gift or bequest of money or other personal property or any donation to be applied, principal or income, or both, for the benefit of said laboratory.

"4. To appoint a board of managers for the laboratory which shall consist of at least five members, two of whom shall be physicians duly licensed to practice in the State of New York. The county medical society may present to the board of supervisors a list of physicians residing in the county from which the board may choose the medical members of the board of managers. The board of managers shall hold a meeting at least four times in each year, and at such other times as it may deem necessary, and each member attending meetings shall receive his actual and necessary expenses incident thereto, to be audited and paid in the same manner as other expenses of the laboratory. In counties having a county board of health and a county health officer the president of the county board of health and the county health officer shall be members of the board of managers ex officio. The members of such board, with the exception of the members ex officio, shall first be appointed so that the term of one member shall expire within one year from the 1st day of January of the year in which he shall have been appointed, the term of another member shall expire within two years of the 1st day of January of the year in which he shall have been appointed, the term of another member shall expire within three years of the 1st day of

January of the year in which he shall have been appointed, the term of another member shall expire within four years of the 1st day of January of the year in which he shall have been appointed, and the term of another member shall expire within five years of the 1st day of January of the year in which he shall have been appointed. Thereafter the terms of membership shall be made for five years from the 1st day of January of the year in which the appointment is made. Nothing in this act shall be construed to repeal or amend any provision of law not inconsistent herewith relating to laboratories in counties or to abrogate any powers of boards of supervisors relating thereto.

"SEC. 20-e. *Powers of boards of managers of laboratories.*—The board of managers of each laboratory shall have the following powers and duties:

- "1. To elect a chairman, vice chairman, and a secretary.
- "2. To appoint a director or a bacteriologist in charge of the laboratory. Any person appointed as such director shall comply with such qualifications as may be prescribed by the public health council.
- "3. To fix the salaries of the director of the laboratory and all other employees within the limits of the appropriation made therefor by the board of supervisors.
- "4. To exercise general management and control of said laboratory, of the grounds, buildings, rooms, employees, and of all matters relating to the government, discipline, contracts, and fiscal concerns thereof.
- "5. To make such rules and regulations as may be necessary in relation to the administration of the laboratory and the fees to be charged for laboratory service not inconsistent with the provisions of this act.
- "6. Notwithstanding any other general or special law, to erect all additional buildings found necessary after the laboratory has been placed in operation and make all necessary improvements and repairs within the limits of the appropriations made therefor.

"7. To make to the board of supervisors annually, at such time as said supervisors shall direct, a detailed report of the operation of the laboratory during the calendar year, the number and kind of specimens examined and the results of such examinations, together with suitable recommendations and such other matters as may be required of them and full and detailed estimates of the appropriations required during the ensuing year for all purposes including maintenance, erection of buildings, repairs, renewals, extensions, improvements, betterments, or other necessary purposes.

"8. To establish branch laboratories if the area to be served by the laboratory is so large, if its topography is such as to make access to the laboratory difficult, or [if] for any other reason such action seems reasonable or desirable.

"SEC. 20-f. *Powers of the director of a laboratory.*—The director or the bacteriologist in charge of such laboratory, subject to the board of managers, shall—

"1. Equip the laboratory with all necessary furniture, appliances, fixtures, and other needed facilities for the conduct of laboratory work and purchase all necessary supplies within the appropriations made therefor.

"2. Have general supervision and control of the internal affairs and work of the laboratory. He may make and enforce such rules, regulations, and orders as he may deem necessary not inconsistent with law or with the rules and regulations of the board of managers.

"3. Appoint employees of the laboratory within the limits of his appropriations, and remove them.

"4. Cause to be kept proper accounts and records of the business and operation of the laboratory, including such records relating to specimens examined, and render such reports as may be required by law or by the regulations of the State commissioner of health; certify all bills and accounts, including salaries and wages, and transmit them to the board of supervisors, which shall provide for their payment in the same manner as other charges against the county. The board of supervisors of a county not having a purchasing agent may make an appropriation for the maintenance of such laboratory and direct the county treasurer to pay all bills, accounts, salaries, and wages which are approved by the director of the laboratory within the amount of such appropriation, subject to such regulations as to the payment and audit thereof as the board of supervisors may deem proper.

"SEC. 20-g. *Laboratories in cities.*—Nothing contained in section 20-e to 20-f hereof, inclusive, shall be construed to repeal or amend any provision of law under which any health function or activity may be carried on in any city, or

to transfer or affect any authority in relation to health activities now being exercised in any city by any public board or officer: *Provided, however,* That any public board or officers of a city now exercising health functions may, with the approval of the mayor, contract with the board of managers of any laboratory for the purpose of cooperation, and to join and share facilities. If a city desires to avail itself of the State aid provided for in section 20-h of this act, the common council or any body exercising similar powers in any city, with the approval of the board of estimate, if such exists, shall have the power to establish a laboratory in such city. Upon the establishment of such laboratory by such city all the powers and duties of the board of supervisors, in relation to laboratories hereinbefore provided for, shall devolve upon the common council or other body exercising similar powers, except that the mayor shall appoint the board of managers of such laboratory and that the salaries of the director and other employees of the laboratory, and contracts to be made for, by, or on behalf of the laboratory and appropriation for the acquisition of sites and buildings and for maintenance, shall all be under the control of the same officials as now have control of similar items and shall be governed by the same provisions of law. In cities when more than one laboratory is established but one board of managers shall be appointed, which shall have jurisdiction over all the laboratories established or operating under this act in said city. In cities of second and third class the president of the local board of health, if such office exists, and the local commissioner of health or health officer shall be ex officio members of the board of managers of the laboratory.

"SEC. 20-h. *State aid.*—Where a laboratory as hereinbefore provided for shall have been established, the State, through the legislature, shall provide the following aid: A grant of an amount not to exceed one-half of the actual cost of maintenance of the laboratory or laboratories not in excess of \$7,500 per annum for each laboratory and of \$2,500 toward the initial installation and equipment of such laboratory.

"The salaries and traveling expenses of employees of the State department of health engaged in supervision [sic] or inspecting laboratories unless otherwise provided for and other expenses necessarily incurred by the State department of health in the execution and enforcement of this act shall be paid from the sum appropriated toward maintenance and operation of laboratories as hereinbefore specified.

"The board of supervisors of any county or the common council or other body exercising similar powers of any city which has heretofore established and is maintaining a laboratory or which is already providing laboratory service by contract with another laboratory may apply for State aid in maintaining and operating such laboratory or in otherwise providing such laboratory service and upon complying with the provisions and requirements of this act, shall be entitled to such State aid, provided, however, that in the event that the total amount appropriated for State aid is not sufficient to pay in full the State aid and other expenses hereinbefore provided for, counties or cities establishing laboratories or providing laboratory service under this act shall be given precedence and any balance remaining of moneys appropriated under this act, after the payment of full State aid to such counties or cities, shall be allotted to such counties or cities as have heretofore established and are now maintaining laboratories or are providing laboratory service by contract and have applied for State aid.

"The work of all laboratories, except in the city of New York, established or receiving aid in accordance with the provisions of this act shall be inspected and standardized by the State department of health, and no State aid shall be given to any laboratory under the provisions unless the area of the district, site, design, and construction of the buildings, equipment, work, and conduct of such laboratory shall be first approved in writing, after inspection, by the State commissioner of health or his representative, the director of the division of laboratories and research.

"The comptroller after receiving the written approval of the State commissioner of health hereinbefore provided for shall determine the amount due in any one year to the various laboratories in the State under this act, and shall draw his warrant upon the State treasury in favor of the county treasurer of each county or the city treasurer of each city for the total amount to be paid to each laboratory in such county or city or in consideration of laboratory service contracted for in such county or city as shall be determined by him and shall indicate the amount to be paid to each laboratory or to each county or city in

consideration of laboratory service contracted for. The county or city treasurer shall pay out such amount in the same manner and upon the same vouchers and proof as all other moneys devoted to such laboratory.

"The board of managers of a laboratory may appeal from any decision of the comptroller or of the State commissioner of health or any refusal to furnish the written approval herein provided for to the laboratory appeal commission, which shall be composed of the chairman of the finance committee of the senate, the chairman of the ways and means committee of the assembly, and the State commissioner of health, and the action of such commission of appeal shall be final and conclusive and its approval, if granted, shall be accepted by the comptroller in lieu of the certificate of the commissioner of health herein provided for.

"Laboratories established or receiving aid under this act, except in the city of New York, shall be under the supervision of the director of the division of laboratories and research."

Sec. 2. There is hereby appropriated out of any moneys in the treasury of the State not otherwise appropriated, to be available on the 1st day of July, 1923, the sum of \$25,000, or as much thereof as may be necessary, for carrying out the purposes of this act and for the expenses incurred by the State department of health in putting this act in operation, payable by the State treasurer on the warrant of the comptroller on the certificate of the State commissioner of health.

District Laboratory Supply Stations and Substations—Establishment, Operation, and Maintenance. (Ch. 637, Act May 22, 1923)

SECTION 1. Section 5 of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," as added by chapter 620 of the Laws of 1920 and amended by chapter 399 of the Laws of 1921, is hereby amended to read as follows:

"Sec. 5. *Laboratory supply stations.*—The State commissioner of health or his authorized representative may establish stations, to be known as district laboratory supply stations, for the distribution of laboratory supplies furnished by the State department of health. He may designate districts to be served by such district laboratory supply stations, each such district to include one or more municipalities: *Provided, however,* That no such district shall include the whole or part of more than one county. The term 'municipality' as used in this article means a city, village, town, or consolidated health district. The State commissioner of health may appoint the health officer of any municipality, the director or person in charge of any public health laboratory, or other competent person, located in each such district, to serve as the custodian of the supply station thereof. The health officer or other person so appointed shall, with the approval of the State department of health, establish such subsections as may be necessary for the proper distribution of laboratory supplies to all physicians practicing in the district. Each district laboratory supply station and the substations thereof shall be maintained and operated in accordance with the rules and regulations of the State department of health and shall be subject at all times to inspection by authorized representatives of the State commissioner of health. The State commissioner of health may at any time discontinue any district supply station or substation or rescind any appointment previously made under this act when in his judgment or that of his authorized representative such action will be in the interest of the public health. The custodian of each district laboratory supply station established and operated under this act shall, upon certification of the State department of health that he has maintained and operated such station and the substations thereof in accordance with its prescribed rules and regulations, be entitled to receive annually the sum of \$20 in consideration of services rendered in the administration of such district laboratory supply station, together with the sum of \$10 for each substation established and operated in accordance with the provisions of this article, and the actual and necessary expenses of operation and maintenance of the district laboratory supply station and substations thereof, such sums to be a charge upon the municipality when a single municipality is included in such district, and in districts including more than one municipality upon the county in which the municipalities so included are located, to be thereafter assessed by the board of supervisors against each municipality included in such district on the basis of the assessed valuations."

State Sanitary Regulations—Adoption and Amendment Authorized—Matters Which May be Dealt with in—Dating, Filing, Distribution, and Publication—Certified Copies—Force and Effect. (Ch. 494, Act May 21, 1923)

SECTION 1. Section 2-b³ of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as such section was added by chapter 559 of the Laws of 1913, is hereby amended to read as follows:

"SEC. 2-b. *Sanitary code.*—The public health council shall have power by the affirmative vote of a majority of its members to establish and from time to time amend sanitary regulations, hereinafter called the sanitary code without discrimination against any licensed physicians. The sanitary code may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matter as to which jurisdiction is hereinafter conferred upon the public health council. The sanitary code may include provisions regulating the practice of midwifery and for the promotion of health in any or all Indian reservations. Every regulation adopted by the public health council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health council, shall be filed as a public record in the State department of health and a copy thereof shall as sent by the commissioner of health to each health officer within the State, and shall be published in such manner as the public health council may from time to time determine. The commissioner or his deputy shall furnish certified copies of such code and its amendments for a fee of \$1 and such certified copies shall be received in evidence in all courts or other judicial proceedings in the State. The provisions of the sanitary code shall have the force and effect of law and any violation of any portion thereof may be declared to be a misdemeanor. No provision of the sanitary code shall relate to the city of New York or any portion thereof, and every provision of the sanitary code shall apply to and be effective in all portions of the State except the city of New York unless stated otherwise."

State Sanitary Code—Local Ordinances Inconsistent with, Superseded by—Enforcement. Public Health Council—Powers. Sanitary Districts—Division of State into—Appointment and Duties of Health Officers for. (Ch. 493, Act May 21, 1923)

SECTION 1. Section 2-c³ of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," as added by chapter 559 of the Laws of 1913, is hereby amended to read as follows:

"SEC. 2-c. *Enforcement of sanitary code.*—The provisions of the sanitary code shall, as to matters to which it relates and in the territory prescribed therefor by the public health council, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith. Each city, town, or village may, in the manner hereinafter prescribed, enact sanitary regulations not inconsistent with the sanitary code established by the public health council. The public health council shall have power to prescribe by regulations the qualifications of directors of divisions, district State health officers, local health officers hereafter appointed, and public health nurses.

"The action, proceedings, and authority of the State health department in enforcing the provisions of the public health law and sanitary code applying them to specific cases shall at all times be regarded as in their nature judicial, and shall be treated as *prima facie* just and legal. All meetings of said public health council shall in every suit and proceeding be taken to have been duly called and regularly held, and all regulations and proceedings to have been duly authorized unless the contrary be proved.

"The public health council shall have no executive, administrative, or appointive duties. It shall, at the request of the commissioner of health, consider any matter relating to the preservation and improvement of public health, and may advise the commissioner thereon; and it may from time to time submit to the commissioner any recommendations which it may deem wise."

³ Reprint 264 from Public Health Reports, p. 314.

SEC. 2. The opening paragraph preceding subdivision 1 of section 4-a⁴ of such chapter, as added by chapter 559 of the Laws of 1913, is hereby amended to read as follows:

"SEC. 4-a. *Sanitary districts; district State health officers; public health nurses.*—The commissioner of health shall from time to time divide the State, except cities of the first class, into 20 or more sanitary districts. He shall appoint for each of such districts a district State health officer, who shall be a physician. Each district State health officer, under the direction of the commissioner of health and subject to the provisions of the sanitary code, shall, in addition to such other duties as may be imposed upon him, perform the following duties:"

Certified Milk—Sale. (Ch. 726, Act May 24, 1923)

SECTION 1. Chapter 48 of the Laws of 1922, entitled "An act in relation to farms and markets, constituting chapter 69 of the Consolidated Laws," is hereby amended by adding thereto, after section 50, a new section, to be section 50-a, to read as follows:

"SEC. 50-a. *Regulating the sale of certified milk.*—No person shall sell or exchange, or offer or expose for sale or exchange, as or for certified milk any milk which does not conform to and is not produced in accordance with the regulations prescribed by a milk commission appointed by a county medical society chartered by the Medical Society of the State of New York, and unless such commission shall certify that such milk was produced under conditions prescribed by it and adopted as standard by the American Association of Medical Milk Commissions; neither shall any person sell or exchange, or offer or expose for sale or exchange, as and for certified milk any milk which is not free from antiseptics, added preservatives, pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked on the outer cap with the name of the commission certifying it."

Milk and Cream—Issuance and Renewal of Permits for the Retail Sale of— Pasteurization. (Reg. Dept. of H., June 5, 1923)

[CH. III] REGULATION 5. *Conditions of issuance of permit.*—On and after the 1st day of January, 1915, no permit to sell at retail milk or cream in any municipality shall be issued unless the premises where it is proposed to handle such milk or cream shall, in the opinion of the local health officer or his representative after inspection, have been rendered clean and sanitary, and unless each farm or dairy where such milk or cream is produced shall have been rated, after inspection by a health officer or his representative, or, in case of protest, by the State commissioner of health or his authorized representative, at least 40 per cent on the score card prescribed by the State commissioner of health.

REGULATION 6. *Conditions of renewal of permit.*—No permit to sell at retail milk or cream in any municipality shall be renewed unless inspection has been made within the preceding six months by the local health officer or his representative of the premises where such milk or cream is handled and unless each farm or dairy where such milk or cream is produced has been rated by a health officer or his representative, or, in case of protest, by the State commissioner of health or his authorized representative, within the preceding six months after inspection, at least 40 per cent on the score card prescribed by the State commissioner of health.

REGULATION 12. *Pasteurization.*—Except where a different standard of pasteurization has been adopted previous to the 1st day of September, 1914, by the local health authorities, no milk or cream shall be sold or offered for sale as pasteurized unless it has been subjected to a temperature of 142 to 145° Fahrenheit for not less than thirty minutes and under such sanitary conditions as may be prescribed by the State commissioner of health; and no milk or cream which has been heated by any method shall be sold or offered for sale unless the heating conforms to the provisions of this regulation.

After pasteurization the milk or cream shall be immediately cooled and placed in clean containers and the containers shall be immediately sealed.

No milk or cream that has been pasteurized in one plant shall be transferred to and bottled in another plant or place and labeled, sold, or dispensed as pasteurized milk or cream, except that cream may, with the approval of the health

⁴ RePrint 264 from Public Health Reports, p. 316.

officer of the municipality where the cream is to be consumed, be bottled at a plant other than the place of pasteurization, provided the cream is bottled under clean and sanitary conditions and adequate facilities for washing and sterilizing of apparatus, utensils, and containers used in the handling, bottling, and storage of the cream shall be provided.

No milk or cream shall be pasteurized more than once.

Milk—Sampling and Analysis. (Ch. 720, Act May 24, 1923)

SECTION 1. Section 51 of chapter 48 of the Laws of 1922, entitled "An act in relation to farms and markets, constituting chapter 69 of the Consolidated Laws," is hereby repealed and a new section 51 inserted, to read as follows:

"**SEC. 51. Milk inspection.**—The commissioner or his agent, in inspecting milk for the purpose of analysis, shall take duplicate samples thereof and shall seal both samples, and shall tender, and, if accepted, deliver one sample to the person from whom the milk was taken. When samples are taken from the producer of the milk sampled or his agent, at a place other than the dairy where the milk was produced, the commissioner or his agent shall, within ten days thereafter, with the consent of the producer, take duplicate samples of the mixed milk of the herd of cows from which the milk first sampled was drawn, and shall deliver one such sample to the producer or his agent and shall submit the other to analysis. If upon analysis it proves to contain no higher percentage of milk solids or no higher percentage of fat than the sample first taken, then no action shall lie against the producer for violation of subdivisions 1, 2, 3, 7, and 8 of section 46 of this chapter. If the producer refuses to allow such herd sample to be taken, then the producer shall be precluded from offering any evidence that the milk from which the first sample was taken was just as it came from the cow."

Pasteurization Plants—Sanitary Requirements Governing Location, Construction, Operation, Maintenance, Toilet and Lavatory Facilities, Water Supply, Apparatus, Utensils, and Employees, and the Handling, Storage, Pasteurization, and Bottling of Milk and Cream. (Reg. Dept. of H., Effective Mar. 1, 1923)

REGULATION 1. Location and use of building for handling, storing, and pasteurizing milk or cream.—The building used for receiving, handling, storing, and pasteurizing milk or cream shall be used for no other purpose. Such building shall be so constructed as to prevent contamination of milk from flies, street dust, or dirt. It shall be located above ground at a distance of not less than 100 feet from any barns, stables, or any other place where flies may breed, unless special precautions approved by the State department of health are taken with respect to drainage, storage of manure, and protection against flies.

REGULATION 2. Light and ventilation.—All rooms in which milk or cream is pasteurized or otherwise handled and in which utensils, apparatus, and containers are washed, shall be adequately lighted and ventilated. Unless mechanical means of ventilation are provided, adequate ventilation shall be provided by vent pipes extending above the roof.

REGULATION 3. Doors and windows.—All doors and windows shall be screened between the 1st day of May and the 1st day of November of each year to prevent the access of flies. All partitions shall be tight and all doors shall be provided with self-closing devices.

REGULATION 4. Floor construction.—Floors of all rooms in which milk and utensils are handled and stored shall be water-tight and constructed of concrete or some equally nonabsorbent material and shall be maintained in a sanitary condition and in a satisfactory state of repair. They shall be so graded and sloped as to quickly and properly drain into floor drains. If the floor drains are not connected with public sewers the drainage shall be discharged into properly constructed, covered cesspools or other waste disposal system located at least 200 feet from the building. All drains shall be properly trapped and the floor openings of each drain shall be covered by suitable metal strainers.

REGULATION 5. Construction and painting of walls, ceiling, and pipes.—All walls and ceilings shall be tight and clean, and, unless constructed of concrete, brick, or tile, shall be of matched wooden sheathing. Unless tiled, the walls and ceilings shall be painted with a light-colored paint. All water and steam pipes and electric conduits shall be painted and be kept clean.

REGULATION 6. *Separate room for receiving and dumping milk.*—A separate room shall be provided for the receiving and dumping of the raw milk where either the batch or the continuous process of pasteurization is used.

REGULATION 7. *Separate washroom for containers.*—The washing and sterilizing of cans and containers shall not be conducted in rooms in which milk or cream is handled or is pasteurized, except that such washing or sterilizing of cans may be done in the receiving room when satisfactory arrangements are made for it.

REGULATION 8. *Storage of raw milk or cream.*—All raw milk or cream which is stored at the plant shall be kept in cans or other vessels in a clean ice box or refrigerator or in a suitable storage tank provided with cooling facilities. All such facilities for storage of raw milk shall be kept separate from the storage facilities for pasteurized milk and maintained in a thoroughly clean condition. Raw milk when stored shall be kept at a temperature not to exceed 50° Fahrenheit. The water used for cooling purposes shall be clean and uncontaminated.

REGULATION 9. *Storage of pasteurized milk or cream.*—All milk or cream that has been pasteurized, when stored at the plant, shall be stored in such a manner as to preclude contamination and at a temperature not to exceed 50° Fahrenheit.

REGULATION 10. *Water-closets and privies.*—Adequate toilet facilities shall be provided for the employees. If water-closets are provided, they shall be located in a separate compartment not connected directly with any room in which milk is handled or in any room in which utensils are washed, and the compartment shall be provided with ventilation directly with the outside air by means of a window at least 1 foot by 3 feet between stop beads and so made as to be readily opened, or indirectly by a vent shaft connected with the external air measuring at least 144 square inches for a single water-closet or urinal, with an increase of 72 square inches for each additional water-closet or urinal. The door or doors of the water-closet compartment shall be self-closing. Where the water-closet compartment is indirectly connected with any room in which milk is handled or in which utensils are washed, it shall be by a suitable and properly lighted vestibule. The door of the vestibule shall be self-closing. All water-closet compartments and vestibules and all water-closet fixtures shall be maintained in a clean and sanitary condition and in good repair. If privies or earth closets are provided, they shall be situated at least 100 feet from the building. They shall have self-closing doors, properly constructed fly-proof vaults, be properly screened, and the seats shall be provided with self-closing covers. The contents of all privies or earth closets shall be removed at proper intervals and the privies shall be kept in a clean and sanitary condition.

REGULATION 11. *Lavatory facilities to be provided.*—Adequate lavatory facilities, including soap and individual towels of paper or other suitable material, shall be provided and so located as to be readily accessible to the employees at all times.

REGULATION 12. *Rust-free metal receptacles.*—All cans or receptacles used in handling milk or cream shall be constructed of metal, having noncorrodible surfaces, with smooth interior finish, free from rust, and otherwise in such a condition as to be readily rendered clean and sanitary by washing.

REGULATION 13. *Straining and clarifying of milk.*—Raw milk shall be strained through layers of absorbent cotton held between cheesecloth or through suitable cotton flannel or clarified by a sanitary clarifier before pasteurization. Pasteurized milk shall not be strained except through a metal strainer which is so arranged as to be sterilized with the bottling machine.

REGULATION 14. *Construction of apparatus.*—All weigh cans, storage vats, mixing vats, heaters, bottlers, holding tanks, and other apparatus used in handling milk shall be constructed of suitable metal, preferably of tinned copper, and all angles and joints smoothly soldered. These and all other vessels used in handling or holding milk shall be provided with closely fitting metal covers of similar material and construction.

REGULATION 15. *Protection of surface coolers.*—Surface coolers shall be provided with suitable covers unless such coolers are located in a room used for no other purpose than cooling milk or cream.

REGULATION 16. *Bottling of milk.*—All apparatus for the bottling of pasteurized milk or cream shall be of sanitary construction and design, suitably located, covered, and protected, and all operations connected therewith shall be so conducted as to prevent contamination of the milk or cream.

REGULATION 17. Capping of bottles.—All bottles shall be capped by a mechanical bottle capping device so used as to prevent contamination of the milk or cream.

REGULATION 18. Construction of pipes and pumps.—Pasteurized milk and cream shall not be conveyed from one apparatus to another by hand methods, and all milk pipes and pumps shall be of sanitary construction and so arranged that they may be easily taken apart for cleaning. The use of tightly soldered elbow joints is prohibited. If a continuous type of milk or cream pasteurizing holder is provided which consists of a series of tanks, the piping shall in general be so arranged that the upper tank is filled first.

REGULATION 19. Shaft bearing drip cups.—All bearings for shafting shall be provided with suitable drip cups or pans.

REGULATION 20. Automatic temperature control devices.—Automatic temperature controlling devices as may be required shall be installed.

REGULATION 21. Automatic temperature recording devices and charts.—At every milk or cream pasteurizing plant automatic temperature recording devices shall be provided which will indicate the temperature to which the milk or cream has been heated, the time at which such heating has been performed, and the length of time for which the milk or cream is held at the required temperature. Charts showing all this data shall be properly dated and kept on file for a period of 60 days.

REGULATION 22. Location of temperature recorder.—Where a continuous type of holder is used, the temperature recording thermometer shall be attached to the highest point of the outlet pipe. If an absolute type of holder is used, the recording thermometer shall be so attached as to show the temperature and the time of holding. If the milk is pasteurized in the bottle, the recording thermometer shall be placed in a bottle of milk or water that is suitably located in the pasteurizer.

REGULATION 23. Containers washed, sterilized, and inspected.—All cans, vats, bottles, or other containers in which milk or cream is transported, held, handled, or stored shall be thoroughly washed, rinsed, cleaned, and sterilized with steam and undergo a thorough inspection before being filled with milk or cream. Such cleaning or sterilizing shall not be done in any room communicating directly with any stable or room used for living or domestic purposes. Washed and sterilized bottles shall be stored in an inverted position until filled and shall be so protected as to prevent contamination.

REGULATION 24. Apparatus to be cleaned and sterilized.—All utensils, pipes, pumps, vats, and other apparatus used in contact with raw or pasteurized milk or cream shall be taken apart and thoroughly cleaned and sterilized with steam immediately after being used. All apparatus used in the pasteurizing of milk or cream shall also be sterilized with steam immediately before the process is commenced.

REGULATION 25. Racks and cans.—Racks constructed preferably of metal shall be provided and suitably located for the storage of washed and sterilized cans in an inverted position until the cans are filled, except where the cans are properly dried with hot-air blast and covered at once with sterilized covers.

REGULATION 26. Protection of bottle caps.—Bottle caps and tags shall be stored in a suitable compartment until used and in such a manner that they will be protected from flies, vermin, dust, dirt, and contamination.

REGULATION 27. Protection of milk vessels.—All containers which are used in handling or storing milk or cream shall be properly protected against dust, dirt, flies, and contamination.

REGULATION 28. Facilities for washing and sterilizing utensils and containers.—Adequate facilities for washing and sterilizing all utensils and containers used in the handling and storage of milk or cream shall be provided.

REGULATION 29. Premises clean; smoking and spitting prohibited.—All rooms and surrounding premises shall be maintained in a cleanly and sanitary condition, free from rubbish and useless material. Smoking and spitting within the building shall be prohibited and employees shall be cleanly in their habits.

REGULATION 30. Garments worn by employees.—Clean, washable outer garments, preferably of light-colored material, shall be furnished to and worn by all employees when handling milk or cream.

REGULATION 31. Health of employees.—No person having any infectious disease capable of contaminating milk or cream or who is a member of a household in which such disease exists shall be employed in any milk pasteurizing plant. All persons before being employed in any milk pasteurizing plant, and once each

year thereafter, shall be examined by a licensed physician for the presence or absence of such infectious disease, and such examination may include laboratory tests. Records of these examinations shall be kept on file for inspection.

REGULATION 32. *Water supply.*—An adequate and pure supply of running water shall be provided for washing and cleaning containers, utensils, or apparatus used in the handling of milk or cream. No water other than from a public water supply shall be used unless it is derived from a source free from contamination.

REGULATION 33. *Temperature of milk or cream received.*—All milk or cream for pasteurizing when received shall be at a temperature not exceeding 50° Fahrenheit, with the exception that morning milk may be received until 9 a. m. at a temperature not exceeding 60° Fahrenheit.

REGULATION 34. *Temperature for pasteurization.*—Except where a different standard of pasteurization has been adopted previous to the 1st day of September, 1914, by the local health authorities, no milk or cream shall be sold or offered for sale as pasteurized unless it has been subjected to a temperature of 142° to 145° Fahrenheit for not less than 30 minutes and immediately cooled to 50° Fahrenheit and placed in clean containers and the containers immediately sealed. No milk or cream which has been heated by any method shall be sold or offered for sale as pasteurized unless the heating conforms to the provisions of this regulation, and no milk or cream shall be pasteurized more than once.

NOTE.—Subjecting milk to a temperature higher than 145° Fahrenheit for 30 minutes does not affect its sanitary quality, but such practice is liable to give the milk a "cooked" taste and affect the cream line.

REGULATION 35. No milk or cream that has been pasteurized in one plant shall be transferred to and bottled in another plant or place for labeling, sold, or dispensed as pasteurized milk or cream.

Ice Cream—Sale Prohibited Unless Pasteurized Milk and Cream Used in the Manufacture of. (Reg. Dept. of H., Nov. 13, 1923)

[Ch. III] **REGULATION 13-a. *Ice cream.***—No ice cream shall be sold or offered for sale unless the milk and cream used in the manufacture thereof shall have been pasteurized.

Bakeries—Issuance and Renewal of Sanitary Certificates. (Ch. 454, Act May 21, 1923)

SECTION 1. Subdivision 3 of section 337 of chapter 50 of the Laws of 1921, entitled "An act in relation to labor, constituting chapter 31 of the Consolidated Laws," is hereby amended to read as follows:

"3. Before issuing a certificate the commissioner shall inspect the bakery. If it conforms to articles 11 and 12 of this chapter and the rules of the board, the commissioner shall issue a sanitary certificate for a period of one year and renewable annually upon reinspection showing compliance with the aforesaid provisions and rules, except that in the city of New York such sanitary certificate shall be operative until revoked or suspended after hearing."

Certain Habit-Forming Drugs—Sale or Dispensing. (Ch. 130, Act Mar. 30, 1923)

SECTION 1. Article 166 of the penal law is hereby amended by inserting therein a new section, to be section 1746, to read as follows:

"**SEC. 1746. *Sale of cocaine or eucaine.***—It shall be unlawful for any person to sell, furnish, or dispose of alkaloid cocaine or its salts, or alpha or beta eucaine or their salts, or any admixture of cocaine or eucaine, except upon the written prescription of a duly registered physician, which prescription shall be retained by the person who dispenses the same, shall be filled but once, and of which no copy shall be taken by any person; except, however, that such cocaine and eucaine, or their salts, may lawfully be sold at wholesale upon written order of a licensed pharmacist or druggist, duly registered physician, licensed veterinarian, or licensed dentist, provided that the wholesale dealer shall affix to each bottle, box or package containing the article sold, the label 'Poison,' with the name and place of business of the seller. Any person who violates any of the provisions of this section shall be guilty of a felony punishable by imprisonment for not less than one year or more than five years, or by a fine of not less than \$1,000 or more than \$5,000, or by both such fine and imprisonment."

Public Water Supplies—Local Health Officers to be Given Notice and Opportunity to be Heard Regarding Proposed Changes Which May Affect the Sanitary Quality of—Local Health Officers to Notify State Commissioner of Health Regarding Proposed Changes. (Reg. Dept. of H., Apr. 10, 1923)

[CH. VII] **REGULATION 15. Reporting changes in public water supplies.**—No officer, board, corporation, or other person or group of persons owning or having by law the management or control of any potable public water supply of any municipality or water district shall take or cause to be taken for use for potable purposes in such municipality or district water from any auxiliary source other than the regular source or sources of public water supply, or shall discontinue the chlorination or treatment of such supply or shall make any change whatsoever which may affect the sanitary quality of such water supply without first having notified the local health officer or health officers of such municipalities or district in which such water supply is used for potable purposes and affording him or them an opportunity to be heard. When such notice has been made to such health officer or health officers, such health officer or health officers shall immediately notify the State commissioner of health by telephone or telegram.

A printed copy of this regulation shall be kept constantly posted in the office used by the authorities owning or having charge of any such water supply.

This regulation shall not apply to public water supplies owned and controlled by cities of the first class.

Carcasses of Animals Condemned and Killed—Examination of, by Veterinarians—Reports of Such Examinations. (Ch. 728, Act May 24, 1923)

SECTION 1. Section 86 of chapter 48 of the Laws of 1922, entitled, "An act in relation to farms and markets, constituting chapter 69 of the Consolidated Laws," is hereby amended to read as follows:

"**SEC. 86. Post-mortem examination of animals.**—The carcass of every animal duly condemned and killed under the provisions of this article shall be examined by a veterinarian designated by the commissioner for the purpose of determining whether or not disease existed in such animal, and the person making the examination shall file promptly with the commissioner a report of the examination in a form prescribed by the commissioner; but such an examination and the filing of such a report thereof by an inspector of the United States Government engaged in meat inspection service may be accepted by the commissioner in lieu of an examination and report by a designated veterinarian."

Animals Destroyed Because Diseased—Payments to Owners. (Ch. 721, Act May 24, 1923)

SECTION 1. Section 87 of chapter 48 of the Laws of 1922, entitled, "An act in relation to farms and markets, constituting chapter 69 of the Consolidated Laws," is hereby amended to read as follows:

"**SEC. 87. Payments for animals killed.**—The commissioner shall determine all claims which may be presented to him for indemnity to owners of animals killed by the State under the provisions of this article, and shall file in his office a certificate of his determination. All claims allowed shall bear interest after sixty days from the date of the certificate of allowance. The commissioner shall issue his order for the amount due as determined by the certificate, which amount shall be paid by the State treasurer, on the warrant of the comptroller, out of moneys appropriated therefor."

SEC. 2. This act shall take effect July 1, 1923.

Animals—Expense of Employment by Town of Veterinarian to Examine, for Communicable Diseases Deemed Town Charge—Filing of Results of Examinations with Commissioner of Farms and Markets. (Ch. 652, Act May 22, 1923)

SECTION 1. Section 170 of chapter 63 of the Laws of 1909, entitled "An act relating to towns, constituting chapter 62 of the Consolidated Laws," as last amended in its entirety by chapter 440 of the Laws of 1914 and last amended by adding a subdivision by chapter 59 of the Laws of 1921, is hereby amended by adding a new subdivision, to be subdivision 11, to read as follows:

[SEC. 170. *Town charges generally.*—The following shall be deemed town charges:]

"11. The cost and expense necessarily incurred by the town board in the employment of a veterinarian to examine animals in the town to ascertain whether they are infected with an infectious or communicable disease. The town board is hereby authorized to employ such veterinarian and to provide for filing the result of examinations made by him with the commissioner of farms and markets."

Slaughterhouses and Rendering Plants—Towns Authorized to Regulate by Ordinance the Location and Operation of. (Ch. 554, Act May 21, 1923)

SECTION 1. Chapter 63 of the Laws of 1909, entitled "An act relating to towns, constituting chapter 62 of the Consolidated Laws," is hereby amended by inserting therein a new section, to be section 142-a, to read as follows:

"SEC. 142-a. *Power of town board to regulate slaughterhouses and rendering plants.*—The town board of any town may by ordinance regulate the location and operation of any plant where cattle, sheep, and swine are slaughtered or rendered to the end that the public health and comfort may be conserved."

Vital Statistics—Appointment, Qualifications, Compensation, Term of Office, and Removal of Local Registrars—Appointment of Deputy Registrars—Appointment, Duties, and Removal of Subregistrars. (Ch. 487, Act May 21, 1923)

SECTION 1. Section 373 of chapter 49 of the Laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the Consolidated Laws," as added by chapter 619 of the Laws of 1913, and as last amended by chapter 213^a of the Laws of 1919, is hereby amended so as to read as follows:

"SEC. 373. *Registrar of vital statistics.*—In each primary registration district there shall be a registrar of vital statistics. Qualifications of registrars of vital statistics hereafter appointed shall be prescribed by the public health council, and no licensed undertaker or licensed embalmer, and no person employed in the business of embalming or undertaking, shall be eligible for appointment as a registrar of vital statistics, deputy registrar, or subregistrar. A local health officer shall be eligible for appointment as registrar of vital statistics, and if so appointed and if receiving a salary equivalent to not less than 15 cents per year per inhabitant of such registration district, he shall serve as registrar of vital statistics without additional remuneration therefor. In towns and villages the registrar or registrars of vital statistics shall be appointed by the town board and by the village board of trustees, respectively; a local town clerk shall be eligible for appointment as a registrar of his town; in the cities, unless otherwise provided by the charter, the registrar or registrars of vital statistics shall be appointed by the mayor. In each primary registration district consisting of a State hospital, charitable or penal institution, the registrar shall be the superintendent or person in charge of such institution: *Provided, however,* That he shall receive no additional remuneration for acting as such registrar. The term of office of a registrar of vital statistics, unless the charter of the city or village shall provide otherwise, shall be four years. Each registrar of vital statistics shall hold office until his successor shall have been appointed and shall have qualified. Any registrar of vital statistics who, in the judgment of the State commissioner of health, fails or neglects to discharge efficiently the duties of his office as set forth in this article, or to make prompt and complete return of births and deaths as required thereby, shall be forthwith removed by the State commissioner of health, and such other penalties may be imposed as are provided by this article. Each registrar of vital statistics shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or inability, and such deputy shall in writing accept such appointment and be subject to all rules and regulations governing registrars. When it appears necessary for the convenience of the people in any rural district, the registrar is authorized, with the approval of the State commissioner of health, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive birth and death certificates and to issue burial or removal permits in and for such portions of the district as may be designated, and each such subregistrar shall note on each certificate over his signature the

^a Supplement 42 to Public Health Reports, p. 565.

date of filing and shall forward all certificates to the local registrar of the district within three days, and in all cases before the third day of the following month: *Provided, however*, That each subregistrar shall be subject to the supervision and control of the State commissioner of health and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the regulations of the public health council, and shall be subject to the same penalties for neglect of duty as the local registrar."

Sewage—Construction, Use, and Maintenance of Disposal Works Jointly by Sewer Districts Authorized—Contracts for Disposal of, by Sewer Districts or Municipalities Authorized—Sale of Disposal Works by Sewer Districts. (Ch. 544, Act May 21, 1923)

SECTION 1. Chapter 63 of the Laws of 1909, entitled "An act relating to towns, constituting chapter 62 of the Consolidated Laws," is hereby amended by inserting therein a new section, to be section 236-a, to read as follows:

"SEC. 236-a. *Sewage disposal works.*—Two or more adjoining sewer districts, whether in the same town or otherwise, may join in the construction of sewage disposal works and other necessary outlets in connection with the respective sewer systems for the joint use of said sewer districts, and any extensions of either and the cost of such construction shall be apportioned between such sewer districts by the sewer commissioners of said districts according to the benefit which each sewer district derives therefrom. Such sewage disposal works and other outlets may be located in either district or town, and the construction and maintenance thereof shall be under the joint supervision of the sewer commissioners of the sewer districts constructing the same. The expense of the maintenance thereof shall be apportioned between the said sewer districts by said sewer commissioners according to the benefit received by each sewer district, and the amount of the expense so apportioned to each sewer district shall then be assessed upon the real property of each such district in the same manner as provided by section 237 of this chapter.

"The sewer commissioners of any sewer district or any municipality may enter into contracts with any other sewer district or districts, or with any incorporated city or village, or with one or more individuals, to care for and dispose of through its sewer system, sewage disposal works and other outlets the whole or any part of the sewage and drainage from such other sewer districts, city or village, or individuals' properties: *Provided, however*, That where said sewage disposal works and other outlets are owned by two or more sewer districts, such contracts must be made with the consent of the sewer commissioners of all said districts.

"The sewer commissioners of any sewer district, with the written consent of owners of real property in said sewer district representing more than one-half in value of the taxable real property therein as appears by the last preceding completed assessment roll, may sell the sewage disposal works of said sewer district and contract with any other sewer district for the disposal of its sewage or drainage or both."

Tenement Houses—Cleanliness. (Ch. 796, Act May 24, 1923)

SEC. 11. Section 104 of such chapter [chapter 99 of the Laws of 1909, entitled "An act in relation to tenement houses, constituting chapter 61 of the Consolidated Laws"] is hereby amended to read as follows:

"SEC. 104. *Cleanliness of buildings.*—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth, or garbage or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs, and all other public parts of the said tenement house, or part of the house of which he is the owner, to the satisfaction of the department of health, and shall keep the said parts of the said tenement house in a cleanly condition at all times. No person shall place ashes, garbage, rubbish, filth, urine, or fecal matter in any place in a tenement house other than that provided for the same, or keep ashes, garbage, rubbish, filth, urine, or fecal matter in his apartment or upon his premises such length of time as to create a nuisance."

Public Rest and Comfort Rooms—Establishment and Maintenance of, by Towns.
(Ch. 193, Act Apr. 9, 1923)

SECTION 1. Article 6 of chapter 63 of the Laws of 1909, entitled "An act relating to towns, constituting chapter 62 of the Consolidated Laws," is hereby amended by adding a new section, to be section 136-c, to read as follows:

"SEC. 136-c. *Public rest and comfort rooms.*—A proposition directing the appropriation of town moneys for the establishment and maintenance of a public rest and comfort room may be submitted to the electors of the town qualified to vote thereon at a biennial or special town meeting in the manner provided in this chapter for the submission of propositions for appropriating or raising money. Upon the adoption of a proposition therefor, the town board of such town may establish and maintain a public rest and comfort room in such town and the expense thereof shall be a town charge. Moneys appropriated therefor shall be raised by taxation in the same manner as other town expenses, but shall not exceed in any one year the amount first appropriated. A proposition adopted as aforesaid shall continue in force until rescinded by a proposition submitted and adopted in the same manner in which such proposition was originally adopted. Moneys appropriated and raised pursuant to this section shall be kept separate and apart and be expended under the direction of the town board."

NORTH CAROLINA

Marriage—Physical Examination of and Issuance of Health Certificates to Applicants for Marriage License. (Ch. 101, Act Feb. 17, 1923)

SECTION 1. That chapter 129 of the Public Laws of North Carolina, session 1921, be, and the same is hereby, amended by adding the following words at the end of section 2 of said chapter and after the word "charge," to wit: "*Provided, Where a city or town is located in two or more counties, then the physician who practices medicine and surgery in the State and lives in said city may examine and execute such certificate in either county in which said city may be located: Provided further, That any physician who practices medicine and surgery in the State and lives within a radius of 3 miles of the county line in which the license is applied for may examine and execute such certificate.*"

State Tuberculosis Hospital—Appointment and Terms of Office of Members of the Board of Directors of. (Ch. 96, Act Feb. 14, 1923)

SECTION 1. That section 7172 of the Consolidated Statutes of 1919 be, and it is hereby, amended so as to read as follows:

"The body politic and corporate existing under the name and style of the North Carolina Sanatorium for the Treatment of Tuberculosis shall be controlled and managed by a board of directors composed of nine members, to be appointed by the governor and confirmed by the senate. Said board of directors shall be divided into three classes of three directors each; the first class to serve for a period of four [two?] years from the 1st day of March, 1923, the second class for a period of four years from said date, the third class for a period of six years from said date. Any director appointed under this act may be removed by the governor for cause. In case of the death, resignation, or removal from the State of any director during the term of his office his successor shall be appointed by the governor for the unexpired term. At the expiration of the various terms of such directors their successors shall be appointed by the governor for a term of six years each, such appointments to be confirmed by the senate."

Hospital for Tuberculous Prisoners—Establishment and Management—Admissions to. (Ch. 127, Act Mar. 2, 1923)

SECTION 1. That the administration of this act is given exclusively to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, which board is expressly authorized and empowered to make such rules and regulations not inconsistent with this act as it may deem wise: First, as to the determination of whether a particular convict is suffering with tuberculosis, and, second, whether or not the disease is in such a stage as to require special treatment.

SEC. 2. There shall be established at, or as near to as feasible, the North Carolina Sanatorium for the Treatment of Tuberculosis a sanatorium for the treatment of tubercular prisoners or convicts. The board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis shall have all the authority and power over said sanatorium as that conferred upon the State board of health over the said North Carolina sanatorium in sections 7172 et seq. of the Consolidated Statutes of 1919.

SEC. 3. The county physician or county health officer of the various counties of the State who has examined any prisoner, or convict upon the public roads, and has pronounced him to be affected with tuberculosis, is hereby required to report such case to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, giving a history of the same and such other facts as the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis may determine in its rules and regulations.

SEC. 4. The physician in charge of the State's prison or any particular convict camp of State prisoners shall make similar reports under similar rules and regulations to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis of all State prisoners who upon examination by him have been determined to be affected with tuberculosis

SEC. 5. The board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, upon receiving such reports, shall examine into the condition of these prisoners or convicts, and, if it is determined that such condition justifies it, shall direct their transfer from either county authorities, if a county prisoner, or the State's prison; if a State's prisoner, to the sanatorium herein provided. The cost of such transfer, if it is a county prisoner, shall be paid by the county from which he is transferred; if a State prisoner, the cost shall be paid by the State's prison.

SEC. 6. In addition to the authority to make rules and regulations hereinbefore [conferred?] upon the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis it is further authorized to make such rules and regulations as in its judgement may seem wise in relation to the care and safe-keeping of the prisoners and convicts so transferred to the State sanatorium for tubercular prisoners.

SEC. 7. That there is hereby appropriated from funds not otherwise appropriated in the hands of the State treasurer the sum of \$50,000 for the purchase of land and erection of adequate buildings for such sanatorium for prisoners and convicts; and there is further appropriated for the year 1923 and the year 1924 the sum of \$37,500 for the support of such sanatorium during these years. The auditor of the State shall issue his warrant for such parts of such sums as may be from time to time certified to him by the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, and the treasurer shall pay said warrants from the appropriations herein made.

Hospitals and Sanatoriums—Required to be Inspected Annually by State Board of Health—Issuance of Certificates to, where Law Has Been Complied with. (Ch. 173, Act Mar. 6, 1923)

SECTION 1. That section 2277 of the Consolidated Statutes be, and the same is hereby, amended by inserting between the word "hotels" and the word "all" in line 4 of said section the words "or hospitals," and by inserting between the word "restaurants" and the word "in" in said line the words "hospital and sanitariums, public and private," and by inserting in line 5, between the word "restaurant," and the word "it," the words "hospital or sanitarium"; and that said section be further amended by putting a comma in place of the period at the end thereof and adding the words "hospital or sanitarium."

Schools—Sanitary Requirements Governing Privies, Water Supply, and Buildings. School Superintendents, Teachers, Janitors, and Other Employees—Health Certificates Required of. Pupils—Physical Examination of, by Teachers. (Ch. 136, Act Mar. 3, 1923)

SEC. 68. *Sanitary school privies.*—The county board of education shall provide, upon recommendation of the State board of health, two sanitary privies at each public school, one for boys and one for girls. Sanitary privies shall be considered an essential and necessary part of the equipment of each public school, and may be paid for in the same manner as desks and other essential equipment of the school are paid for, and a failure on the part of the county board of education and county superintendent to make provisions for sanitary privies, or a failure on the part of the county commissioners to provide the funds, shall be considered a misdemeanor, and either the county board, the county superintendent, or the county commissioners may be fined or imprisoned in the discretion of the court. (C. S. 5753, 5754.)

SEC. 69. *Type of privies to be installed.*—The less expensive pit type, as recommended by the State board of health, may be installed in rural districts in connection with the smaller school buildings. But the kind of privy in all buildings shall be sufficient to protect the health and sanitation of the children and the community.

SEC. 70. *Privies to be kept sanitary.*—The county board of education shall require of the committee that the privies shall be kept in a sanitary condition. They shall be governed in this particular by rules and regulations of the State board of health. And the county board of education shall provide a reasonable expense fund wherever necessary to keep the privies in a sanitary condition.

It shall be the duty of teachers and principals to report the insanitary condition of the privies to the committee of the district, or the county superintendent (C. S. 5757, revised.)

* * * * *

SEC. 72. *Provide good water supply.*—It shall be the duty of the county board of education to make such provisions as will give the teachers and pupils a good supply of wholesome water for the school term.

SEC. 84. *Eligibility.*— * * * No county superintendent shall be eligible to hold office who has an open or active infectious state of tuberculosis or any other contagious disease, and before any superintendent is employed he shall secure a certificate from a reputable physician certifying that he has not an open or active infectious state of tuberculosis or any other contagious disease. (C. S. 5425, 5659.)

SEC. 93. *Report on condition of school buildings.*—It shall be the duty of the county superintendent to inspect all school buildings or have them thoroughly inspected before the opening of school, and report their condition to the committee and to the county board of education, with such recommendations as will make them comfortable and sanitary.

SEC. 141. *To care for the sanitation of the school grounds.*—The district committeemen are hereby required to keep the school privies in a sanitary condition, and the committee shall be governed in this particular by recommendations of the State board of health.

Failure of the committeemen to keep privies at public schoolhouses in proper sanitary condition or a failure to notify the county board of education of their insanitary condition shall be considered a misdemeanor and shall subject them severally and personally to fine and imprisonment, or both, in the discretion of court. (C. S. 5757, revised.)

SEC. 142. *To provide good water supply.*—It is the duty of the school committeemen to see that the schools have good water supply, and wherever a school is without a good water supply it is the duty of the committee to report the condition to the county superintendent before and even after the opening of school, and it shall be the duty of the county superintendent to present the need to the county board of education, and it shall be the duty of the county board of education to make such provision as will give the teachers and children a good supply of wholesome water.

SEC. 143. *To obey the orders of sanitary committee or board of health.*—It shall be the duty of teachers, principals, superintendent, committee, and all other governing boards having authority over the maintenance, support, and conduct of a public school to obey the rules and regulations of the sanitary committee or board of health for the protection of health in the district.

SEC. 159. *Health certificate required for teachers.*—Any person serving as county superintendent, city superintendent, teacher, janitor, or any other employee in the public schools of the State shall file in the office of superintendent each year before assuming his or her duties a certificate from the county physician or other reputable physician of the county certifying that the said person has not an open or active infectious state of tuberculosis or any other contagious disease.

The county physician shall make the aforesaid certificate on a form supplied by the State superintendent of public instruction, and without charge to the person applying for the certification, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and subject to a fine or imprisonment in the discretion of the court. (C. S. 5659; sec. 17, ch. 179, Laws 1921, revised.)

SEC. 170. *Teachers to make physical examination of children.*—Upon receipt of instructions, rules, and regulations from the State board of health and from the State superintendent of public instruction it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school and enter on cards and official forms furnished by the State board of health a record of such examination. The examination shall be made at the time directed by the State board of health and the State superintendent of public instruction, but every child shall be examined at least once every three years. The State board of health and the State superintendent of public instruction shall so arrange the work as to cover the entire State once every three years.

The teacher or principal shall transmit the record cards and other blank forms made by him or her to the North Carolina State board of health, and if any teacher or principal fails within 60 days, after receiving the aforesaid forms and requests for examination and report, to make such examination and report as

herein provided, the teacher or principal shall be guilty of a misdemeanor and subject to a fine of not less than \$10 nor more than \$50 or imprisonment at the discretion of the court. (C. S. 5748, 5749.)

Bedding—Making, Remaking, Renovation, Labeling, and Sale. (Ch. 2, Act Mar. 1, 1923)

SECTION 1. That the term "bedding" as used in this act shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion, or pillow designed and made for use in sleeping or reclining, except where the filling thereof consists exclusively of sterilized feathers.

The word "person" as used in this act shall be construed to import the plural and singular, as the case demands, and shall include individuals, corporations, partnerships, joint-stock companies, societies, and association.

When construing and enforcing the provisions of this act the act, omission, or failure of any officer, agent, or other person acting for or employed by any individual, corporation, partnership, joint-stock company, society, or association within the scope of his employment or office shall in every case be also deemed the act, omission, or failure of such individual, corporation, partnership, joint-stock company, society, or association as well as that of the person.

SEC. 2. No person shall, in the making or remaking of any article of bedding as herein defined, use any material of any kind that has been used by or about any person having an infectious or contagious disease or has formed a part of any article of bedding which has been so used, or use in said manufacture any material known as "shoddy" and consisting in whole or part of old or worn clothing, carpets, or other fabric or material previously used, or use in said manufacture any other fabric or material from which shoddy is constructed.

SEC. 3. No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver, or consign for sale any article of bedding that has been used by or about any person having an infectious or contagious disease.

SEC. 4. No person shall remake or renovate any article of bedding unless all the material to be used in said remake or renovated bedding shall first be thoroughly sterilized and disinfected by a process approved by the State board of health. No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver, or consign for sale any article of bedding which has been previously used, unless the said article of bedding shall first be thoroughly sterilized and disinfected by a process approved by the State board of health.

SEC. 5. No person shall sell, offer for sale, consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale any article of bedding as herein designated, unless the same be labeled or tagged as follows: Upon each of such articles of bedding there shall be securely sewed upon the outside thereof a muslin or linen label upon which shall be legibly written or printed, in the English language, a description of the material used as the filling of such article of bedding; if any and all the material used as the filling of such article of bedding shall not have been previously used, the words "Manufactured of new material" shall appear upon said tag, together with the name and address of the maker or vender thereof.

It shall be unlawful to use in the said statement concerning any mattress the word "felt" or words of like import if there has been used in filling said mattress any materials which are not felted and filled in layers.

If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "Manufactured of previously used material" or "Remade of previously used material," as the case may be, shall appear upon said tag or label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding.

The statement required under this section of this act shall in form be as follows:

OFFICIAL STATEMENT

MANUFACTURED OF NEW MATERIAL

Materials used in filling.....
Made by.....
Vendor.....
Address.....

This article is made in compliance with an act of the General Assembly of North Carolina of the session of 1923.

The statement of compliance required in the foregoing "official statement" shall not be construed to imply that it is prohibited to state, also, that the article of bedding is made in compliance with an act or acts of other States.

The words "Manufactured of new material," or "Manufactured of previously used material," or "Remade of previously used material," together with the description of the material used as the filling of an article of bedding, shall be in letters not less than one-eighth of an inch in height.

In the case of all articles of bedding the sewing of any edge of the tag securely into an outside seam of the article shall be deemed a compliance with that portion of the act requiring that the tag be "securely sewed" upon the article.

No term of description likely to mislead shall be used on any tag or label required by this act in the description of the materials used in the filling of any article of bedding. That this act shall not be construed to prevent a person from making or having made any bedding out of materials furnished by said person for his or her own use, or to any person who does not make over six mattresses per week, provided said label is attached.

SEC. 6. Any person other than a purchaser for his own use who shall remove, deface, alter, or shall cause to be removed, defaced, or altered any label or tag upon any article of bedding so labeled or tagged under the provisions of this act shall be guilty of a violation thereof.

SEC. 7. Any person who shall fail to comply with any of the provisions of this act shall be guilty of a violation thereof. The unit for separate and distinct offense in violation of this act shall be each and every article of bedding made, remade, sold, offered for sale, delivered, consigned, or possessed with an intent to sell, offer for sale, deliver or consign, contrary to the provisions hereof.

Any person who violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 and not more than \$1,000 or be imprisoned in the county jail not to exceed six months, or be both fined and imprisoned.

SEC. 8. Every place where articles of bedding are made, remade, or renovated, or held for sale, consignment, or delivery shall be subject to supervision and inspection by the State board of health, whose duty it shall be to supervise and inspect the manufacture and sale of articles of bedding as defined in this act. Should said State board of health find articles of bedding being made, remade, or renovated, or held for sale, consignment, or delivery, in other than sanitary conditions, then said State board of health shall give the person responsible for this insanitary condition a definite length of time within the discretion of said State board of health, said time, however, not to exceed 60 days, in which to remedy the said insanitary condition or conditions, and in the event of failure to do so on the part of the person responsible therefor the said failure shall become a violation of this act. Said State board of health shall have the power to prosecute all violations of this act. Should said State board of health have reason to believe that any person is violating or has violated any provision of this act it shall be the duty of said State board of health to prosecute such person therefor.

SEC. 9. If and when any officer of the State board of health has reason to believe that any article of bedding sold, offered for sale, delivered, consigned, or possessed with intent to sell, offer for sale, deliver, or consign is not correctly labeled as to contents, the said officer shall be empowered to open such article of bedding to examine the material used in filling the same; and if said officer after examination of the material used as filling is unable to determine definitely whether the material used as filling is new or has been previously used, or whether the material used in filling such article of bedding is of the kind it is stated to be on the label, or, in the case of feather pillows, whether the feathers used in filling same have been sterilized or not, the said officer shall have power to examine the purchase invoice or invoices of such material and such other records of the business as are necessary to determine definitely the kind and character of the material used in such articles of bedding.

SEC. 10. Any person who has reason to believe that this act has been or is being violated may present the facts to the solicitor of the judicial district wherein such violation occurs, and it shall thereupon be the duty of said solicitor to investigate the said violation and to institute a prosecution if he finds reasonable cause to believe that there has been such violation. Any individual may institute proceedings to enforce this act and punish any violation thereof in the county where such violation occurs.

NORTH DAKOTA

State Tuberculosis Hospital—Payment by Counties for Care, Board, and Treatment of County Patients at. (Ch. 316, Act Mar. 8, 1923)

SECTION 1. Levy of tax to pay charges.—The board of county commissioners shall, at the time of levying the county taxes as provided in section 2148 of the Compiled Laws of 1913, include in the itemized statement of county expenses upon which the county taxes are to be based, as provided in said section, an estimate of the total amount which will be chargeable to the county during the ensuing year for the care, board, and treatment of such county's patients at * * * the State tuberculosis sanatorium. If any county fails to levy such taxes as herein provided sufficient to pay the amount estimated to become chargeable to such county during the ensuing year, at the time of levying other county taxes, it shall be the duty of the attorney general of the State to bring action in the name of the State against such county, to enforce the making of the estimates and the levying of taxes as provided herein.

SEC. 2. Method of settlement between county and State.—The superintendents of * * * the State tuberculosis sanatorium shall certify to the State auditor on the 1st day of January, April, July, and October of each year the amount not previously certified to by him, showing the amounts due their respective institutions from the various counties having patients chargeable thereto, and the State auditor shall pass the same to the credit of the proper institution. The State auditor shall thereupon draw his draft upon the county treasurer for the amount due each institution as certified to by its superintendent in the manner provided by section 3255, Compiled Laws of 1913. In the event that there are not sufficient moneys on hand in the county treasury to remit to the State treasurer with the county treasurer's check, the county auditor shall immediately issue a registered warrant payable to the State treasurer for the amount of the State auditor's draft. The State treasurer shall not issue his regular receipt for such a registered warrant accepted in payment of the charges, but may stamp in the face of the draft "Payment of this draft accepted by registered county warrant No. ———. Regular receipt will be issued when this warrant is redeemed." It is hereby made the duty of the county treasurer and the county auditor, and they and each of them are hereby required to remit to the State treasurer for the amount of the State auditor's draft: *Provided, however,* That if there is included as a part of the amount for which such draft is drawn by the State auditor upon the county treasurer any charge or charges for any patient or patients, which patient or patients have [been?] or shall be by proper resolution of the board of county commissioners declared not chargeable against such county, the amount of such so disputed claim or claims may be deducted in making remittance for such draft. Such claims so disputed shall be determined, adjusted, and payment made in manner by sections 2576 and 2577 of the Compiled Laws of North Dakota of 1913 provided.

SEC. 3. Penalty for failure to pay.—Upon the failure of any county to pay into the State treasury the amount charged to such county for the care, board, and treatment of their patients at * * * the tuberculosis sanatorium at the times prescribed in this act, it shall be the duty of the State treasurer to charge such delinquent county with a penalty of 1 per cent per month upon the amount of indebtedness then thirty days overdue for each month until payment thereof, including the penalty, has been made.

SEC. 4. Settlement of disputed claims.—The State treasurer is authorized to remit any penalty for nonpayment of county care charges when satisfied that same has been improperly charged or that such penalty occurred in consequence of the negligence or error of any officer required to do any duty relative to the collection of such county care charges. The State auditor may, with the approval of the governor, the attorney general, and the State treasurer, make compromise settlements with the counties in case of any dispute arising over improper charges.

SEC. 5. Repeal.—Sections 2572 and 2573 of the Compiled Laws of 1913 and all acts or parts of acts in conflict herewith are hereby repealed.

Maternity Hospitals—Definition—Licensing—Keeping of Records—Inspection—Births in, to be Attended by Physician or Midwife—Reports of Births—Records and Reports to be Confidential—Disposing of Infants Prohibited.
(Ch. 164, Act Mar. 2, 1923)

SECTION 1. License required.—Any person, partnership, voluntary association, or corporation which owns or operates a maternity hospital, as hereinafter defined, shall secure annually from the board of administration a license so to do.

SEC. 2. Maternity hospital defined.—A maternity hospital is defined as any hospital or other premises where more than one woman is received during any period of six months for shelter, care, or treatment during pregnancy or delivery or within ten days after delivery: *Provided*, That this act shall not apply to any hospital or other premises owned or operated by the State.

SEC. 3. Licenses, to whom granted.—Licenses for the operation of maternity hospitals shall be issued by the board of administration and shall be in force and effect for a period not exceeding one year. Licenses shall be granted to reputable and responsible persons upon a showing that the premises to be used as a maternity hospital are in fit sanitary condition and properly equipped to provide good care and treatment. It also shall appear that the persons in active charge of the hospital and their assistants are qualified by training and experience to carry on efficiently the duties required of them; that the hospital is likely to be conducted for the public good and in accordance with sound social policy; and that the health and well-being of the infants born therein and the health, morality, and well-being of the parties treated therein will be properly safeguarded.

SEC. 4. License, revocation.—The board of administration shall have authority to revoke a license of any maternity hospital upon a proper showing that any of the conditions set forth in section 3 as prerequisites for the issuance of the license no longer obtain, or that the license was issued upon fraudulent or untrue representations, or that the owner or operator of such hospital has violated any of the rules and regulations of the board, or has been guilty of the violations [sic] of any law of the State disclosing moral turpitude. Before any application for license to conduct a maternity hospital shall be denied or before revocation of any such license shall take place written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board, if such hearing is requested within ten days after service of the written charges.

SEC. 5. Appeal.—There shall be an appeal to the district court from any decision of the board denying an application or revoking a license. The procedure on such appeal shall be the same so far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal.

SEC. 6. Form of license.—The license shall state the name of the licensee, designate the premises to which the license is applicable, and the number of patients who may be received in such premises at any one time.

SEC. 7. Regulation by board of administration.—The board of administration may prescribe forms for the registration and record of persons cared for in maternity hospitals and shall make such reasonable rules and regulations for the conduct of such hospitals as are necessary to carry out the purposes of this act. The board and its authorized agents may inspect such hospitals at any time and shall have full and free access to every part thereof. The records shall be open for their inspection and they shall have authority to see and interview patients therein.

SEC. 8. Attendance on births.—Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee of the hospital shall report to the board of administration all births occurring within the hospital. These reports shall be made within twenty-four hours after the birth occurs and on blanks to be provided by the board for that purpose.

SEC. 9. Records protected.—No agent of the board of administration or of any board of health or the licensee shall disclose the contents of the records of maternity hospitals or of the reports received therefrom, except in a judicial proceeding, or to officers of the law or other legally constituted boards or agencies or to per-

sons having a direct interest in the well-being of the patient or her infant and in a position to serve their interests should that be necessary.

SEC. 10. *Disposing of infants prohibited.*—No licensee of a maternity hospital shall undertake, directly or indirectly, to dispose of infants by placing them in family homes for adoption or otherwise. No licensee as an inducement to a woman to go to any maternity hospital for confinement care shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out, directly or indirectly, as being able to dispose of children.

SEC. 11. *Penalty.*—Every person who violates any of the provisions of this act or who makes any false statements on reports to the board of administration shall upon conviction be guilty of a misdemeanor.

SEC. 12. *Repeal.*—Chapter 183 of the Laws of 1915 and all other acts or parts of acts inconsistent herewith are hereby repealed.

State Department of Health—Establishment—How Constituted—Powers and Duties—Divisions—Office Space. State Public Health Advisory Council—Appointment, Qualifications, Meetings, and Compensation of Members—Powers and Duties. State Health Officer—Appointment, Qualifications, Compensation, Duties, and Removal. Birth and Death Certificates—Special Fireproof Vaults to be Provided for Storage of. (Ch. 227, Act Mar. 8, 1923)

SECTION 1. *State department of health.*—There is hereby created and established a State department of health, which shall be constituted as provided in this act and shall exercise all the powers and duties now conferred upon the State board of health, and such other powers and duties as are herein provided for. The State department of health shall consist of a public health advisory council, a State health officer, directors of divisions, and other employees as herein provided for.

SEC. 2. *Public health advisory council.*—The public health advisory council shall consist of five members, three of whom shall be appointed by the governor; the superintendent of public instruction and the president of the North Dakota Antituberculosis Association shall be ex officio members of the council. The term of office of the appointive members shall be six years, except as hereinafter provided for, and until their successors are appointed and qualified.

The governor shall fill all vacancies by appointment, but in case of a vacancy before the expiration of a term the appointment shall be for the residue of the term only. Immediately after the passage of this act the governor shall appoint one member for a term of two years, one member for a term of four years, one member for a term of six years. Thereafter each original appointment shall be for six years.

At least one of the appointive members of the public health advisory council shall be a woman; at least one shall be a physician who is a graduate of regular and reputable schools [sic] of medicine; and at least one shall be a dentist who is a graduate of a regular and reputable school of dentistry. The public health advisory council shall meet in January and June of each year and at such other times as may be directed by the council or its president. The members of the council shall receive only their actual and necessary traveling expenses when engaged in the actual discharge of their official duties.

A member of the council shall be chosen president thereof and his term of office shall be two years. His duties shall be prescribed by the statutes of the State. The State health officer shall act as secretary and executive officer of the council.

SEC. 3. *The State health officer.*—The State health officer shall be appointed by the public health advisory council. He shall be a physician who has graduated from a regular and reputable school of medicine and who shall have had special training and experience in public health administration. He shall receive a salary of \$3,600 a year, payable in monthly installments, and necessary traveling expenses incurred in the performance of official business. He shall not engage in any other occupation or business and shall hold office subject to removal by a vote of three members of the council at a regular meeting, after charges have been preferred, a hearing held, and the charges sustained. The removed officer shall have the right of appeal to the courts. The State health officer shall be the administrative officer of the State department of health. His duties shall be those prescribed by the statutes of the State and the regulations of the State board of health for the superintendent of public health.

SEC. 4. *Powers and duties.*—The powers and duties of the State department of health and the public health advisory council shall be those prescribed by the statutes of the State and the regulations of the State board of health.

SEC. 5. *Changes in titles.*—Wherever the words "State board of health" appear in the statutes of the State and the regulations of the State board of health there shall be substituted therefor the words "State department of health."

Wherever the words "superintendent of public health" appear there shall be substituted therefor the words "State health officer" in the statutes of the State and the regulations of the State board of health.

SEC. 6. *Working divisions.*—The State department of health shall establish the following divisions, together with such other divisions as may from time to time be determined:

- (1) Division of vital statistics.
- (2) Division of preventable disease.
- (3) Division of child hygiene and public health nursing.
- (4) Division of sanitary engineering.

SEC. 7. *Office space.*—The State shall provide suitable office space in Bismarck for housing and maintaining the State department of health. Special fireproof vaults shall be provided for the storage of birth and death certificates.

SEC. 8. *Repealing sections 397, 398, 401, and 403.*—Sections 397, 398, 401, and 403 of the Compiled Laws of 1913 are hereby repealed.

* * * * *

Beverages—Licensing, Labeling, Standards of Purity and Quality, Sale, Inspection, and Analyses. (Ch. 221, Act Mar. 8, 1923)

SECTION 1. *Name of act.*—The following act shall be known and may be cited as the North Dakota beverage inspection act.

SEC. 2. *Certain beverages unlawful to sell.*—It shall be unlawful for any person, firm, or corporation, their agents or employees to sell, offer or expose for sale, or to have in their possession with intent to sell within this State, any beverage of whatever nature that contains any ingredient or ingredients injurious to health or is adulterated, misbranded, insufficiently or improperly labeled within the meaning of the food and drugs act of this State, or that is not licensed as hereinafter provided.

SEC. 3. *Label, standards.*—The requirements for labeling and standards of purity and quality of all beverages included in this act shall be the same as those required under the food and drugs act of this State, together with such other standards, rules, and regulations as the State food commissioner and chemist is herewith empowered to make to carry out the intent of this act, and such standards, rules, and regulations shall have the force and effect of law.

SEC. 4. *What is included.*—There shall be included as coming under the provisions of this act all beverages, as soda water, carbonated and noncarbonated, ginger ale, root beer, aromatic flavors, cereal or malt beverages, apple cider, grape juice and other fruit juices, imitations or compounds of any of these, concentrated extracts, and essences from which beverages are made and mineral or spring water sold under private label.

SEC. 5. *License required.*—Before any beverage, concentrate, or essence from which any beverage is to be made can be sold, exposed for sale, or held with intent to sell within this State, the manufacturer, importer, jobber, or retailer shall submit a suitable sample of each and every product to the State food commissioner and chemist for inspection and chemical analysis. If, after the examination, it shall be found to comply with all requirements of law it shall be licensed and may then be sold within this State. If it does not meet all requirements of law, the State food commissioner and chemist shall refuse to license it and prevent its sale. Said sample shall be submitted to the State food commissioner and chemist and the license fee paid annually during the month of December of every year or prior to placing such beverage on the market, and said license shall expire December 31 next following its issuance. If the manufacturer or jobber secures a license for a product, subsequent sellers, including retailers and dispensers, need not again secure a license for the same product, and no dispenser shall be required to secure a license for a product prepared for his own use from a product already licensed.

At the time of submitting the sample for analysis there shall be paid to the State food commissioner and chemist a license fee according to the following schedule

Soda water, ginger ale, root beer, pop.....	brand or class..	\$10. 00
Concentrated extracts, essences, nectars, cordials.....	do.....	50. 00
Fruit juices, apple cider, grape juice, true.....	brand.....	20. 00
Fruit juices, apple cider, grape juice, imitation.....	do.....	10. 00
Cereal beverages and malts.....	do.....	50. 00
Mineral and spring water.....	do.....	20. 00

SEC. 6. Fees, disposition of expenses, how paid.—All fees received by the State food commissioner and chemist as provided for in this act shall be properly recorded by him and forwarded monthly to the treasurer of the State of North Dakota. The State treasurer shall upon receipt thereof enter such funds and carry them in a special revolving fund to be designated the "State regulatory fund." All salaries and items of expense of whatever nature incurred in the enforcement of this act shall be paid out of said State regulatory fund. Vouchers for all expenses, pay rolls, and other items of expense of whatever nature incurred in the enforcement of this act shall be approved by the State food commissioner and chemist and be forwarded monthly to the State board of administration for audit and approval, and when so audited and approved shall be certified to the State auditor, who shall draw warrants upon the State treasurer for all pay rolls, expenses, and bills so audited and approved. The State treasurer shall thereupon pay such expenses and accounts out of the State regulatory fund.

SEC. 7. State food commissioner and chemist to enforce.—The State food commissioner and chemist, his agents and inspectors, as provided for in the food and drugs act of this State, is hereby charged with the enforcement of all the provisions and intent of this act and is hereby authorized to inspect and collect samples of the various beverages as defined under the provisions of this act and on sale in this State or being shipped into the State at such times and places and to such extent as he may determine. The State food commissioner and chemist and his agents, inspectors, and deputies shall have access, ingress, and egress to all places of business, factories, buildings, carriages, cars, vessels, and containers used in the sale or transportation of beverages coming under the provisions of this act. He shall have power and authority to open any package, container, or vessel containing such article and upon paying or offering to pay the value thereof may take suitable samples for analysis therefrom, and shall have the authority to prevent the sale or manufacture of products not complying with the provisions of this act.

SEC. 8. Facts, how transmitted.—Whenever said State food commissioner and chemist shall find by analysis or otherwise that adulterated, misbranded, insufficiently labeled or an unlicensed product is being sold in violation of this act, he shall forthwith transmit the facts so found to the State's attorney of the county in which the product was found, and it shall be the duty of said State's attorney to institute appropriate proceedings in the proper court of jurisdiction.

SEC. 9. Penalties for violation.—Any person, firm, or corporation violating any of the provisions of this act or any rule or regulation issued pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 and not more than \$100, at the discretion of the court.

SEC. 10. Publicity.—The State food commissioner and chemist shall have authority to publish analyses of all products coming under the provisions of this act and to rather useful information for the benefit of the public and users of the articles designated herein.

SEC. 11. Provisions severable.—The provisions of this act and each part thereof and its sections and each part thereof are independent and severable, and if any provisions or part thereof or section or part thereof be held unconstitutional or invalid no other provision or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid.

SEC. 12. Repeals specific, repeals implied, saving clause.—The laws hereafter enumerated shall be expressly repealed and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed from and after the effect of this act:

Chapter 85, Compiled Laws of 1913; sections 10155 to 10169, inclusive.

Food and Drugs Act. (Ch. 222, Act Mar. 8, 1923)

SECTION 1. Name of act.—This act shall be known as the North Dakota food and drugs act, and may be so cited in any pleading, complaint, indictment, or information.

SEC. 2. The State food commissioner and chemist, duties and powers.—The State food commissioner and chemist shall hereby be charged with the enforcement of all the provisions of this act. He shall be appointed by the State board of administration and shall, with the approval of said State board of administration, employ and fix the compensation of such other chemists, scientific experts, agents, inspectors, and employees; provide for adequate laboratories and offices, supplies, and equipment for the same; and provide such other facilities as may

be necessary for the proper enforcement of this act. When in this act the term "agents" of the State food commissioner and chemist or similar terms are used, said terms shall be construed to refer to such chemists, scientific experts, agents, inspectors, and employees provided for in this section.

SEC. 3. *Unlawful to sell certain foods and drugs.*—It shall be unlawful for any person to manufacture, sell, offer or expose for sale or delivery, or to have in possession for sale or delivery any article of food or drug which is adulterated, misbranded, or otherwise violates any provisions of this act, or any rule or regulation issued pursuant thereto.

SEC. 4. *Definitions.*—The term "food" as used herein shall include all articles, whether simple, mixed, or compound, used for or entering into the composition of, or intended for use in the preparation of food, drink, confectionery, or condiment for man. The term "drug" as used herein shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended or designed to be used for the cure, mitigation, prevention, or treatment of disease of either man or other animals.

SEC. 5. *Adulteration, what constitutes.*—For the purpose of this act a food or drug shall be deemed to be adulterated:

A. In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of sale of such drug.

Second. If, when a drug is sold under or by a name not recognized by the United States Pharmacopoeia or National Formulary, its strength, quality, or purity falls below the professed standard of strength, quality, or purity under which it is sold.

Third. If it contains any methyl alcohol.

B. In the case of foods:

First. If any substance has been mixed or packed with it so as to lower, reduce, or injuriously affect its quality, strength, or fitness for consumption.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, stained, or otherwise treated in a manner whereby damage or inferiority is concealed, or the article is made to appear better than it really is, or if such treatment be for the purpose of imitating another article of recognized quality.

Fifth. If it contains any poisonous or deleterious substance which may render the article injurious or detrimental to health. The word "substance" as used herein shall include ingredients naturally present or added.

Sixth. If it consists in whole or in part of filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, or if it be the product of a diseased animal, or one that has died otherwise than by slaughter.

Seventh. If it does not conform to the standard of purity or quality established for the article.

SEC. 6. *Misbranding, what constitutes.*—That the term "misbranded" as used herein shall apply to all drugs or foods or articles which enter into the composition of food the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to locality, State or country of origin, or in which it was manufactured or produced, or if the package or label of which does not contain the true name and address of the manufacturer, jobber, or other person responsible for its being placed in commerce.

That for the purposes of this act an article shall also be deemed to be misbranded:

A. In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If the package or label of which fails to bear a statement of the quantity or proportion of alcohol or any narcotic or habit forming drug.

Fourth. If the package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which as [is] misleading, false, or fraudulent.

B. In the case of food:

First. If it be offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If the label fails to bear the quantity or proportion of alcohol.

Fourth. If, in package form, the name of the article, together with the quantity of the contents in terms of weight, measure, or numerical count, be not plainly and conspicuously marked on the outside of the package.

Fifth. If, in package form, the package be not filled with the food it purports to contain, irrespective of whether the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

Sixth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Seventh. If it be an imitation of another article and it be not marked with the word "Imitation" equally conspicuous with and immediately adjoining the name of the imitated article.

Eighth. If it be a compound for which no standard of purity or quality has been established and it be not marked with the word "Compound" equally conspicuous with and immediately adjoining the name of the article: *Provided, however,* That imitations, compounds, blends, mixtures, or products sold under their own distinctive names shall, where necessary to prevent fraud or deception or to convey to the purchaser the true nature of the product, bear on the label a plain statement of the ingredients. If such statement of the ingredients alone be insufficient for the purpose herein designated the percentage of each ingredient shall in addition be required.

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SEC. 9. *Special weights and sizes.*—It shall be unlawful for any person, firm, or corporation to manufacture, sell, or expose for sale any article of food or drug in any package or container the size or shape of which may deceive or tend to deceive the purchaser of such product as to the contents of said package or container, and that for the purpose of preventing fraud and deception, the State food commissioner and chemist shall hereby be authorized to establish, publish, and enforce rules and regulations relative to the size, weight, or style of package of other specific food or drug commodities than those specifically named in section 7 and section 8 of this act, and such rules and regulations shall have the force and effect of law.

SEC. 10. *Meats.*—The meat of an animal shall not be sold for human consumption unless it be the product of a healthy animal, and no meat of any animal slaughtered during the period of heat, advance[d] pregnancy or immediately preceding or following parturition shall be sold for human food. The meat of no calf less than 4 weeks old shall be sold as food. Hogs or other animals to be slaughtered for food shall not be permitted to eat filthy, diseased, or decomposed food, nor shall they be kept in a filthy or insanitary place: *Provided,* Nothing in this section shall be construed to conflict with the law relating to the sale of affected meat or the rules and regulations issued pursuant thereto by the State livestock sanitary board.

SEC. 11. *Dairy products.*—Butter, dairy butter, creamery butter, oleomargarine, butterine, renovated butter, or compound of or substitutes for any of these, whether compounded or prepared from animal or vegetable fats or oils, and homogenized, reconstructed, filled, or manufactured products from which the natural butter fat has been abstracted in whole or in part and other animal or vegetable fats or oils substituted therefor, or compounds of or products prepared from any of these shall be appropriately labeled so as to clearly advise the purchaser of the true nature of the product.

SEC. 12. *Storage, cold-storage products.*—For the purpose of this act a cold storage shall be defined as a place artificially cooled to a temperature of 40° Fahrenheit or below, but shall not include such a place within a private home, hotel, restaurant, or a refrigerator car. No food shall be sold as fresh when held in storage or cold storage for a longer period than has been shown by good practice to improve the quality of the particular food, or when there is any deterioration in such article, or when the storage product is not as desirable as the fresh. If storage or cold storage or other than fresh products are sold they must be labeled so as to fully advise the purchaser of the nature of the product entering into the transaction. All storage or cold-storage products shall be stamped, labeled, or tagged with the date when they were received in storage and removed therefrom. Said stamp, tag, or label shall not be removed by any subsequent seller.

SEC. 13. *Sanitation of food.*—Every building or other structure or vehicle of transportation in which any food or drug or product to be used in the preparation of either of these is manufactured, prepared, held, sold, used, or transported shall at all times be kept and maintained in a clean and sanitary condition. Food at all times shall be kept covered or inclosed or by other means fully protected from avoidable contamination by any agencies that might serve to bring about or hasten its decomposition or that might render it infectious, poisonous, deleterious, injurious to health, or filthy.

All buildings shelves, counters, storage bins, floors, walls, ceilings, scales, stoves machines, refrigerators, and other facilities used therein for storing, handling, displaying, or preparing of food products shall be designed and well adapted for the purpose with strict regard for the principals of sanitation.

The person and clothing of all employees in or about any food establishment shall be clean and when possible the personnel of such places shall be provided with special outer garments, aprons, white coats, or other apparel for use during the hours of their employment.

No person shall be employed in or permitted to remain as an employee in any food establishment who is affected with any contagious or infectious disease in a communicable form. For the proper enforcement of this provision any inspector or agent of the State food commissioner and chemist may require a medical examination and certificate of health from any employer for any employee whom he may have reason to suspect is so affected. Such examination shall be made by a physician approved by the State food commissioner and chemist or his agent and the cost thereof shall be borne by the employer of said person. When notified to do so any employer who fails to provide such a health certificate for himself or employee within a reasonable time thereafter, shall be deemed guilty of a misdemeanor.

The provisions for ventilation and lighting, toilet and washroom facilities, such as towels, washbowls, and soap, cuspidors, and other facilities for the convenience, health, and safety of employees and patrons of such places as herein defined shall be ample therefor and subject to the approval of the State food commissioner and chemist or his agent as to their sufficiency, location and condition.

All doors and windows that may be opened or closed at will shall, during the fly season, be kept properly screened and fly-proof. All foods kept, displayed, prepared, or offered for sale in any such place shall at all times be protected from contact with flies, roaches, ants, mice, rats, and other vermin or household pests, the presence of any of which in any food establishment shall be deemed to render the same insanitary and the proprietor thereof liable to prosecution under this act.

No room or rooms used for the storage, display, preparation, use, or sale of food shall be used as a sleeping, dressing, or living room, nor shall any sleeping, dressing, or living room be adjacent to and open into any such place, nor shall dogs, cats, or other domestic animals be permitted to occupy such rooms.

SEC. 14. *Right of inspection.*—For obtaining information regarding suspected violations of this act, the State food commissioner and chemist, his assistants, inspectors, or agents shall have free access, ingress, and egress to all places where articles of food, drug, or beverage, or other articles designated in this act are manufactured, sold, exposed for sale, or transported or held in possession with intent to use, sell, or transport, or where food is prepared, cooked, or held in any capacity whatever, except in a private home; and that agents, bookkeepers, transportation officers, and other employees shall render all assistance and aid within their power to inspectors to effectuate the provisions of this act; that said inspectors or agents upon paying or offering to pay to the person entitled

thereto the full value thereof may open any package, receptacle, or container containing any article coming under the provisions of this act and may take a sample therefrom, sufficient for inspection and analysis. Any person obstructing such entry or inspection or failing upon request to assist therein shall be deemed guilty of a misdemeanor.

SEC. 15. *Seizure, search warrant.*—The State food commissioner and chemist may seize any article of food or drug, the manufacture, transportation, sale or use of which is prohibited by this act or which is manufactured, sold, used, transported, kept, or offered for sale, use, or transportation or had in possession with intent to use, sell, or transport in violation of any provision of this act or in violation of any rule, regulation, standard, or definition issued pursuant thereto, and for this purpose he and his several assistants, inspectors, agents, and employees shall have the powers of a constable. Such seizure may be made without a warrant, but in such case as soon as practicable he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary a search warrant may be issued by any magistrate of the State, justice of the peace, or police magistrate whenever probable cause is shown by testimony under oath by way of affidavit or deposition, that any article of food or drug which is adulterated, misbranded, insufficiently or improperly labeled, or otherwise in violation of any provision of this act or any rule, regulation, standard, or definition issued pursuant thereto, or any food which is unwholesome, poisonous, deleterious, or detrimental to health, is being kept or is present upon certain premises, particularly describing such premises, or in the possession of any person, naming or describing the person, the said magistrate shall issue a search warrant, signed by him with the name of his office, directed to any peace officer in his county, or to the State food commissioner and chemist, or any of his duly authorized agents, commanding him or them to forthwith search the person or place named and to seize all and any articles of food or drug which may be held in violation of any provision of this act and to bring such articles of food or drug before the magistrate. The search warrant issued shall be substantially the form prescribed in section 11134 of the Code of Criminal Procedure, Compiled Laws of North Dakota, 1913.

The provisions of article 11 of the Code of Criminal Procedure, Compiled Laws of North Dakota, 1913, as to service of search warrant, return of warrant, hearing, and return to district court, shall govern in cases of search warrant issued pursuant to the provisions of this act, except that the testimony of the witnesses need not be reduced to writing, and where the magistrate finds that the property seized is property of the kind described in the search warrant, and that there is probable cause to believe that the grounds on which the search warrant was issued existed, he shall send said property so seized under the search warrant to the district court, together with his return. In case he shall find there is not probable cause to believe that the grounds on which the search warrant was issued existed, he shall order the property returned to the person from whom it was taken.

SEC. 16. *Disposition of seized articles.*—Any article of food or drug which is adulterated, misbranded, insufficiently or improperly labeled, or any article of food which is poisonous, deleterious, or detrimental to health or is held, used, or transported in violation of any of the provisions of this act, or of any rule, regulation, standard, or definition issued pursuant thereto, is hereby declared to be a nuisance, and the attorney general, any of his assistants, the State's attorney of any county, or the State food commissioner and chemist may maintain an equitable action in the name of the State for the abatement of any such nuisance. In said action any person in whose possession any such nuisance as herein described may be found or the occupant, tenant, owner, manager, or person in charge of any building, vehicle of transportation or other property in which any such nuisance may have been found, shall each or all be made defendant. Said action shall be instituted and tried in the same manner in which other civil, equitable actions are tried. In case judgment is rendered in favor of the plaintiff in any action brought under the provisions of this section, the court in rendering judgment shall provide for the destruction of such adulterated, misbranded, insufficiently or improperly labeled article of food or drug or article of food which is unwholesome, poisonous, deleterious, or detrimental to health, or make such other judgment and decree with reference to the same as shall be proper in the premises, and such as shall prevent said articles from being used, sold, or transported in violation of this act. In case of perishable food or drugs, the court may at any time on the motion of any party upon 10 days' notice to the other parties to the action, in his discretion order the destruction of the same, or may at any time

in his discretion order that said property be returned to the person from whom it was taken upon furnishing a bond conditioned that said article will not be sold, used, or transported in violation of any of the laws of this State, and further condition for the payment of any judgment for costs which may be entered in said action. In case judgment is rendered in favor of the plaintiff in any action brought under the proceedings in said action, the court or judge rendering the same shall also render judgment for a reasonable attorney's fee in said action in favor of the plaintiff and against the defendants therein, which attorney's fee shall be taxed and collected as other costs therein; and when collected, paid to the attorney or attorneys of the plaintiff therein: *Provided*, That if such attorney is the attorney general, one of his assistants, or the State's attorney of the county in which the action is instituted, such attorney's fee shall be paid into the county treasury in the same manner in which other costs in the action are paid.

SEC. 17. *Authority to render certain foods unsalable.*—Whenever the State food commissioner and chemist or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure, or place, any meat, sea food, poultry, vegetable, fruit, or other perishable articles intended to be sold or used for human consumption which are or contain filthy, decomposed, or putrid animal or vegetable substance or that may be unsafe, unwholesome, poisonous, deleterious, or detrimental to health, the same being hereby declared to be a nuisance, he shall forthwith seize, condemn, and destroy the same or in any other manner render the same unsalable as human food.

SEC. 18. *Definitions, rules, regulations, and standards.*—For the purpose of securing uniformity as far as practicable among the laws of this State, municipalities within the State, and the Federal Government, to prevent fraud and deception in the manufacture, use, sale, and transportation of food, and to protect and preserve the public health and to carry out the intent of this act, it shall be the duty of the State food commissioner and chemist to fix, adopt, publish, and enforce definitions, rules, regulations, and standard of quality purity, and strength of articles of food and drugs for which no definitions, rules, regulations and standards are prescribed by law, and such definitions, rules, regulations, and standards so fixed, adopted, and published shall be lawful in this State and shall have the force and effect of law.

SEC. 19. *Analysis, publication.*—It shall be the duty of the State food commissioner and chemist to make or cause to be made analyses, examinations, and inspections of all articles included under the provisions of this act to determine whether such articles are adulterated, misbranded, insufficiently or improperly labeled or unwholesome, poisonous, or deleterious within the meaning of this act, and whether such articles have been manufactured, used, sold, transported, offered for sale or transportation or had in possession with intent to use, sell, or transport in violation of any provisions of this act or any definition, standard, rule, or regulation issued pursuant thereto and for other reasons, and a copy of the result of the examination or analysis of any such article duly authenticated by the chemist making such analysis or examination when given under oath shall be prima facie evidence in all courts of the matters and facts therein contained. The said State food commissioner and chemist shall have authority to make such analysis, inspection, and investigations, and to carry on research and to publish the reports of such analysis, inspections, and research for the information of the public.

SEC. 20. *Local inspection.*—The governing authority of any municipal corporation may by ordinance provide for the inspection of milk, cream, and butter sold within its limits, and of dairy [sic] and dairy herds kept for the production of such milk, cream, and butter, and may prescribe the terms upon which such sales may be made, and fix penalties for violation thereof; they may provide for a municipal abattoir, provide for its operation and may prescribe regulations for the slaughtering of animals to be sold as meat, and other sanitary and regulatory provisions as applied to food products, but no such ordinance or ordinances, rules, or regulations shall conflict with any law of this State or any standard, rule or regulation fixed pursuant thereto.

SEC. 21. *Duty to prosecute.*—It shall be the duty of any State's attorney to whom the State food commissioner and chemist or his agent shall report any violation of this act, to cause, without delay, appropriate proceedings to be instituted in the proper court of jurisdiction for the enforcement of the penalties, as in such case, as are herein provided.

SEC. 22. *Penalties.*—Any person violating or failing to comply with any of the provisions of this act or any rule, regulation, definition, or standard issued pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction

thereof shall be punished by a fine of not less than \$25 or more than \$100 or by imprisonment for not less than 10 days or more than 30 days or both at the discretion of the court.

SEC. 23. *Disposition of funds, expenses, how paid.*—All moneys appropriated or otherwise authorized for the enforcement of this act shall be entered on the records of the State food commissioner and chemist and the State treasurer shall enter such moneys and carry them in a special revolving fund to be designated the State regulatory fund. All salaries and items of expense of whatever nature incurred in the enforcement of this act, as herein provided, shall be paid out of said State regulatory fund. Vouchers for all expenses, pay rolls, and other items of expense of whatever nature incurred by the State food commissioner and chemist in carrying out and enforcing the provisions of this act, shall be approved by said State food commissioner and chemist and shall be forwarded monthly to the State board of administration for audit and approval, and the same shall be certified to the State auditor, who shall draw warrants upon the State treasurer for all pay rolls, expenses, and bills so audited and approved. The State treasurer shall thereupon pay such expenses and accounts out of the State regulatory fund.

SEC. 24. *Construction, intent of act.*—The fact that certain weight, size, and style of package are fixed in this act and that specific forms of adulteration and misbranding are specifically defined and other specific provisions are made in this act, it shall not be construed to limit the operation of the act to such forms of adulteration and misbranding as are specifically mentioned, it being the intention of the act to prevent deception and fraud in all articles of food, drugs, or beverages and to prohibit the manufacture, sale, offering for sale or transportation, or having in possession with intent to use, sell, or transport any adulterated, misbranded, insufficiently or improperly labeled article of food or drug, or any article of food which is unwholesome, poisonous, deleterious, or detrimental to health, whether the adulteration, misbranding, insufficient or improper labeling, unwholesomeness or poisonous or deleterious qualities are referred to specifically in this act or not.

SEC. 25. *Definitions, evidence of intent.*—The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include corporations, copartnerships, companies, societies, and associations or two or more individuals having a joint or common interest. No person who shall commit or assist in committing any offense herein defined shall be exempt from conviction and punishment therefor, for the reason that he acted as an agent, employee, or representative of another. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, copartnership, company, society, or association within the scope of his employment or office shall in every case be also deemed to be the act, omission, or failure of such corporation, copartnership, company, society, or association as well as that of the person.

The words "sell" and "sale" as used herein shall be construed as including the keeping, offering, or exposing for sale, use, transportation, or exchange of the restricted, regulated, or prohibited article; the having of any such article in possession with intent to sell, use, transport, or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others; the having in possession of any article the manufacture, sale, use, or transportation of which is restricted, regulated, or forbidden by this act shall be deemed prima facie evidence of intent to sell, manufacture, transport, or use the same in violation of law.

SEC. 26. *Provisions severable.*—The provisions of this act and each part thereof and its sections and each part thereof are independent and severable, and if any provision or part thereof or section or part thereof be held unconstitutional or invalid, no other provision or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid.

SEC. 27. *Specific repeals.*—The laws hereafter enumerated shall be expressly repealed from and after the taking effect of this act:

Chapter 38, article 40, Political Code of the Compiled Laws of 1913; sections 2879 to 2889, inclusive.

Chapter 38, article 53, Political Code; sections 2962 to 2971, inclusive.

Chapter 38, article 48, Political Code; sections 2939 to 2951, inclusive.

Chapter 38, article 46, Political Code; sections 2926 to 2932, inclusive.

Chapter 216¹ of the Session Laws of 1917; sections 1 to 5, inclusive.

Chapter 38, article 78, Political Code; sections 3149 to 3161, inclusive.

Chapter 240 of the Session Laws of 1919; sections 1 to 4, inclusive.

Chapter 38, article 80, Political Code; sections 3010 to 3013, inclusive.

Sec. 28. *Implied repeals, saving clause.*—All acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed are hereby repealed from and after the taking effect of this act.

Peyote and Mescal Button—Possession, Sale, or Dispensing of, Prohibited. (Ch. 257, Act Feb. 24, 1923)

SECTION 1. That it shall be unlawful for any person, firm, corporation, or association to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in his or its possession peyote (pellote), botanically known as *Lophophora williamsii*, or *Agave americana*, commonly known as the mescal button, or any compound, derivative, or preparation thereof.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$500 or imprisoned in the county jail for a period of not to exceed six months or by both such fine and imprisonment.

Places where Habit-Forming Drugs are Possessed, Used, Sold, or Dispensed Unlawfully—Declared to be Common Nuisances—Closing of. (Ch. 258, Act Mar. 1, 1923)

SECTION. 1. *Amendment.*—That section 10177 of the Compiled Laws for the year 1913 be, and the same is hereby, amended and reenacted to read as follows:

"SEC. 10177. *Place for smoking opium and places where other narcotics are sold deemed a nuisance.*—Every room, building, cellar, or other place or premises used or permitted to be used for the smoking of opium or any of its preparations, and all places where morphine, opium, cocaine, heroin, or other narcotics are sold, bartered, or given away in violation of the provisions of this chapter, or where persons are permitted to resort for the purposes of smoking opium, using morphine, cocaine, heroin, and other narcotics, or where morphine, opium, cocaine, heroin, and other narcotics are kept for sale, barter, or delivery except as hereinafter provided, or where opium, cocaine, morphine, heroin, or other narcotics are possessed, except as hereinafter provided, used for medical purposes in violation of this chapter, are hereby declared to be a common nuisance; and if the existence of such a nuisance is established, either in a criminal or equitable action, upon the judgment of a court or judge having jurisdiction finding such place to be a nuisance, the sheriff, his deputy, or undersheriff, or any constable of the proper county or marshal of any city where the same is located, shall be directed to shut up and abate such place by taking possession thereof, if he has not already done so, under the provisions of this chapter and by taking possession of all such narcotics found therein, together with all signs, screens, bars, bottles, glasses, and other property used in keeping and maintaining such nuisance, and such personal property so taken possession of shall, after judgment, be forthwith publicly destroyed by such officer, and the owner or keeper thereof or any person who, in any manner, by using such place for the illegal purposes forbidden herein, or otherwise aids, abets, or assists in any violation of this section or chapter, shall, upon such conviction, be adjudged guilty of maintaining a common nuisance, and shall for the first offense be punished by a fine of not less than \$200 nor more than \$1,000, and by imprisonment in the county jail not less than ninety days nor more than one year, and for the second and every successive offense be punished by imprisonment in the penitentiary not exceeding two years and not less than one year; and said officer abating such nuisance shall securely close said building, erection, or place where such nuisance was located as against the use or occupation of the same for such illegal purposes, and keep the same securely closed for the period of one year (unless sooner released as hereinafter provided), and any person breaking open said building, erection, or place, or using the premises so ordered to be closed shall be punished for contempt, as hereinafter provided in case of violation of injunction: *Provided, however,* That when leasehold premises are closed under a temporary injunctive order or have been adjudged to be a nuisance, the owner thereof shall have the

¹ Supplement 37 to Public Health Reports, p. 380.

right to terminate the lease by giving three days' notice thereof, in writing, to the tenant, and when this is done, if the said owner shall prove to the court that he was without fault and neither knowingly nor without knowledge negligently permitted the keeping or maintaining of the nuisance complained of, the premises shall be turned over to the owner upon the order of the court or judge as hereinafter set forth. But the release of the property shall be upon the condition that the nuisance shall not be continued, and the return of the property shall not release any lien upon said property occasioned by any prosecution of the tenant. If the owner appears and pays all costs of the proceedings and files a bond with sureties to be approved by the clerk in the full value of the property to be ascertained by the court or judge, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within the period of one year thereafter, the court, or in vacation time the judge, may, if satisfied of his good faith, order the premises taken and closed under the order of abatement to be delivered to said owner, and if the proceeding is an action either at law or in equity and bond is given and costs therein paid, the action shall be dismissed at the end of one year from the date of the service of the temporary injunctive order, if in an equity case, or the closing of the premises if in a criminal case; in the meantime and in either form of action the premises where such nuisance was kept and maintained shall be regarded as being under a restraining order of the court, a violation of which will subject the violator to punishment for contempt as hereinafter provided: *Provided, however,* That the release of the property under the provisions of this section shall not release it from any judgment, lien, or penalty, or liability to which it may be subject under any statute or law: *Provided further,* That when an injunction, either temporary or permanent, has been granted under the provisions of this chapter, the same shall be binding personally on the defendant or defendants throughout the entire State, and for the violation of such injunction in any place in the State of North Dakota the offending party shall be punished as for contempt according to the rules in this chapter prescribed: *Provided,* That this section shall not apply to any room, building, cellar, or other place or premises where said narcotic drugs are possessed, or possessed for sale, barter, or delivery for medical purposes, when the owner or keeper or other person legally in charge and possession of such place or premises shall have registered and paid the special tax as required by the Federal narcotic drug act of the United States: *Provided further,* That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment, or proceedings laid or brought under this act, and the burden of the proof of any such exemption shall be upon the defendant.

"Cumulative.—This act shall be held by the courts to be cumulative to other laws already provided and shall repeal only such acts or parts of acts as are clearly in conflict with this act."

Cattle—Tuberculin Testing of. (Ch. 146, Act Feb. 27, 1923)

SECTION 1. Amendment.—Chapter 86 of the Session Laws for the year 1921 is hereby amended and reenacted to read as follows:

"**SEC. 2.** Upon receipt of a petition signed by a majority of the freeholders of any township in any county in this State petitioning for the application of the tuberculin test to all breeding and dairying cattle within such township the State livestock sanitary board is authorized and empowered to enforce the tuberculin testing of all such breeding and dairying cattle in such township, in accordance with the laws providing for the eradication of bovine tuberculosis and reimbursement of owners of cattle destroyed for tuberculosis and the rules and regulations of the State livestock sanitary board: *Provided,* That in any circumscribed area as established by the State livestock sanitary board where all the cattle in said area have been tuberculin tested no other cattle shall enter said area unless tuberculin tested under the direction of the State livestock sanitary board and are accompanied by the proper tuberculin test health certificate.

"**SEC. 3. Penalty.**—Any person who refuses to assist or endeavors to prevent the State livestock sanitary board or its agents in carrying out the purposes of or violates any of the provisions of this act shall be guilty of a misdemeanor and be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail not less than thirty days nor more than ninety days or both such fine and imprisonment."

Wash Houses at Certain Coal Mines—Required—Location, Maintenance, and Sanitary Requirements. (Ch. 246, Act Mar. 2, 1923)

SEC. 2. Amendment.—That section 33 of chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and reenacted to read as follows:

"**Sec. 33. Mine operators to furnish wash houses for employees.**—It shall be the duty of the owner, operator, or superintendent of any coal mine in the State of North Dakota employing five or more men to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over 800 feet from and convenient to the principal entrance of such mine. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold water and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes."

Wash. House at certain local offices—Required—Location, Maintenance, and Sanitary Requirements. (Ch. 216, Act Mar. 2, 1923)

OHIO

Health Examination of Pupils—Coordination of, with Work in Physical Education—Conducting of—Reports to Parents. Physical Education—Promotion of Cooperation Between Health Authorities and Educational Authorities Regarding. (Act Apr. 11, 1923)

[Sections 7721-2 and 7721-6 of the General Code, added by this act, read as follows:]

"Sec. 7721-2. Boards of education shall, in the institution and conduct of physical education, take due knowledge of the health supervision of school children maintained by boards of health or by boards of education and shall provide for the proper coordination of such work with the work in physical education. Where the board of education has not employed a school physician, the board of health shall conduct the health examination of all school children in the health district and shall report the findings of such examination and make such recommendations to the parents or guardians as are deemed necessary for the correction of such defects as may need correction. It is provided that this act shall not be construed to require any school child to receive a medical examination or receive medical treatment whose parent or guardian objects thereto.

"Sec. 7721-6. The director of education may appoint a supervisor of physical education * * * to promote cooperation with the State department of health and with the district boards of health, * * *."

District Tuberculosis Hospitals—Establishment and Maintenance. (Act Mar. 9, 1923)

SECTION 1. That section 3148 of the General Code be amended to read as follows:

"SEC. 3148. The commissioners of any two or more counties not to exceed ten may, and upon the favorable vote of the electors thereof in the manner hereinafter provided shall, form themselves into a joint board for the purpose of establishing and maintaining a district hospital, provided there is no municipal tuberculosis hospital therein for care and treatment of persons suffering from tuberculosis. Two per cent of the electors of any proposed joint district may file a petition with the board of deputy State supervisors of elections of the most populous county in such proposed district designating the counties in such district; such board shall at once certify such fact to the election boards of the counties comprising such districts, and such proposition shall be placed on the ballot at the next regular or general election occurring more than sixty days after the filing of such petition. If a majority of the electors voting on the proposition in each county of the proposed district vote in favor thereof, such district shall be established. After the establishment of such joint district, either by voluntary action of the commissioners or as the result of such election, such joint board shall provide the necessary funds for the purchase of a site, which site shall be separate and apart from the infirmary boundaries in any county, and also shall provide for the erection of the necessary buildings thereon: *And provided further*, That where any number of counties have already constructed and are operating a district tuberculosis hospital, counties may join such counties for enlargement and use of such hospital: *And provided further*, That the county commissioners of any county within a district which desires to withdraw from said district may dispose of its interest in said district hospital by selling same to any county or counties in said district at a price fixed by a board of appraisers composed of the county auditors of the counties of the district, and said auditors shall, upon application made to them by the county commissioners of any county of the district in which said hospital is located which desires to so withdraw, constitute themselves as such board for determining the price to be paid said county for their interest and subject to the approval of the State department of health.

Any new district or addition to a district shall be approved by the State department of health. Such necessary expenses as may be incurred by the county commissioners in meeting with the commissioners of other counties for consideration of the proposal to establish a district tuberculosis hospital shall be paid from the general fund of the county. After the organization of the joint board such expenses shall be paid from the fund provided for the erection and maintenance of such hospital."

SEC. 2. That original section 3148 of the General Code be, and the same is hereby, repealed.

Habit-Forming Drugs—Purchase, Possession, Sale, or Dispensing—Commitment for Treatment of Convicted Persons Who Are Addicts. (Act Apr. 11, 1923)

SECTION 1. That sections 12672, 12672-1, and 12673 of the General Code be amended to read as follows:

"SEC. 12672. Whoever purchases, sells, barter, furnishes, or gives away, directly or indirectly, or has in his possession, for the purpose of selling, bartering, furnishing, or giving away, directly or indirectly, any quantity of cocaine, alpha or beta eucaine, alpin, morphine, heroin, opium, or any of their alkaloids, salts, derivatives, or compounds, or any synthetic equivalent thereof either as to the physical properties or physiological action, or has in his possession, for the purpose of using to satisfy the craving for any of the above-named drugs or substances, except upon the original written prescription of a physician, dentist, or veterinary surgeon duly licensed under the laws of the State, and having a Federal permit to prescribe narcotic drugs when prescribing for their patients for actual and necessary purposes in the proper practice of their respective professions, which prescription shall contain the name and address of the patient, the date of issue, the written signature, the address and Federal permit number of the physician, dentist, or veterinary surgeon issuing it, the specific directions for use as provided for under Federal narcotic law and regulations, or fails to keep such prescription in a separate file for at least two years, in such manner that it is accessible at all reasonable times to the inspection of the proper officer or officers of the law, and to the State department of agriculture or anyone acting in its behalf, or fills said prescription more than once, shall be fined not less than \$50 nor more than \$500 for the first offense, and for each subsequent offense shall be fined not less than \$100 nor more than \$500 or imprisoned in the penitentiary not less than one year nor more than five years, or both, at the discretion of the court. If it be made to appear to the court that the person so convicted is addicted to the use of any of the above-named drugs or substances, the court, with the consent of the convicted person, may commit such person to a hospital or other institution for the treatment of such person. Any person who is not a wholesale dealer in drugs or who is not a pharmacist, physician, dentist, or veterinary surgeon who possesses any of the above-named drugs or substances, when not permitted, or any person who is not a wholesale dealer in drugs, or a pharmacist, physician, dentist, or veterinary surgeon who writes, changes, or misrepresents a prescription or order form for narcotic drugs, or has in his possession or procures or attempts to procure any of the above-named drugs or substances on a changed or misrepresented prescription or order form shall be fined not less than \$200 nor more than \$500 or imprisoned not less than one year nor more than five years in the penitentiary, or both, at the discretion of the court. This section does not extend to sales at wholesale of any quantity of the above-named drugs or substances to duly registered pharmacists, physicians, dentists, or veterinary surgeons, unless such sales, possession, or use thereof is for the purpose of satisfying the craving for such drugs or substances named. This section does not extend to preparations sold, or to the prescription of preparations sold, or the refilling thereof, when they do not contain more than 2 grains of opium, or not more than one-fourth grain of morphine, or not more than one-eighth grain of heroin, or not more than one-eighth grain of alpha or beta eucaine, or not more than 1 grain of codeine, in 1 fluid ounce, if a liquid, or 1 avoirdupois ounce, if a solid. This section does not extend to the dispensing, administering, or giving away of any of the above-named drugs or substances by a licensed physician, dentist, or veterinary surgeon to a bona fide patient under the personal attendance of such physician, dentist, or veterinary surgeon, occurring in the regular practice of their respective professions: *Provided, however,* That such dispensing, administering, or giving away is not for the purpose of evading the provisions of this act.

"SEC. 12672-1. For the purpose of the enforcement of the next preceding section, anyone so empowered to enforce as provided for in the following section may enter and search any room, rooms, or other place wherein the provisions of

the next preceding section are believed to be violated. Anyone who hinders, obstructs, or interferes with the enforcement of the next preceding section shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$50 nor more than \$200, together with the costs of prosecution. Anyone empowered to enforce the provisions of sections 12672, 12672-1, and 12679 of the General Code may arrest, without warrant, any person found to be violating said laws relating to the traffic in narcotics, and take such person before any justice of the peace or other officer having jurisdiction in such proceeding, and take such other action as the law provides. Anyone authorized to enforce the provisions of sections 12672, 12672-1, and 12679 of the General Code shall give suitable bond for the faithful performance of their duties.

"SEC. 12673. It shall be the duty of the State department of agriculture or anyone acting in its behalf to enforce or cause to be enforced the provisions of sections 12672, 12672-1, and 12679 of the General Code, and all fines or forfeited bonds assessed and collected under prosecutions or prosecutions commenced shall, within thirty days, be paid one-half to the secretary of the State department of agriculture and by him paid into the State treasury, and one-half to the treasury of the township or municipality in which the prosecution is held."

SEC. 2. That original sections 12672, 12672-1, and 12673 of the General Code be, and the same are hereby, repealed.

Completely Denatured Alcohol or Wood Alcohol—Sale or Dispensing—Labeling of Containers. (Act Apr. 16, 1923)

SECTION 1. That section 12708 of the General Code be supplemented by the enactment of sections 12708-1, 12708-2, 12708-3, 12708-4, and 12708-5 to read as follows:

"SEC. 12708-1. Sections 12705 and 12706 of the General Code shall not apply to, interfere with or prohibit any person, firm, or corporation from selling completely denatured alcohol or wood alcohol.

"SEC. 12708-2. Whoever shall have in his possession, or dispenses or sells packages or containers of completely denatured alcohol or wood alcohol containing 5 wine gallons or more without having marked or stenciled thereon the name and address of the seller, the degree of proof of such alcohol, the formula number, and, in letters of not less than 1 inch in height, the words 'Completely denatured alcohol' or 'Wood alcohol,' as the case may be, and the names of two or more antidotes for the same, shall be fined not less than \$10 nor more than \$50. The provisions of this section, the next succeeding section, and section 12667 of the General Code shall not interfere with the transfer of such alcohol from storage tanks to other packages or containers, nor require the placing of such mark or stencil upon transportation tanks, nor the registration or placing of mark or stencil upon fuel tanks, automobile radiators, or similar containers for the final use or consumption of such alcohol and from which no further distribution thereof is made.

"SEC. 12708-3. Whoever dispenses or sells completely denatured alcohol or wood alcohol in packages containing less than 5 wine gallons without having affixed thereto a label on which is printed or stenciled in plain, legible, red letters of equal prominence on a white background the words 'Completely denatured alcohol' or 'Wood alcohol,' as the case may be, and in addition on the same label in red ink, under the skull and crossbones symbol, the word 'Poison,' together with the following statement: 'Completely denatured alcohol or wood alcohol is a violent poison. It can not be applied externally to human or animal tissue without serious injurious results. It can not be taken internally without inducing blindness and general physical decay ultimately resulting in death,' and without having stamped, stenciled or printed upon such label the name and address of the seller, the degree of proof and formula number thereof, shall be fined not less than \$10 nor more than \$50. Neither the word 'pure' nor the single word 'alcohol' alone shall appear on any label of completely denatured alcohol or wood alcohol.

"SEC. 12708-4. Whoever, dispensing, selling, or offering for sale completely denatured alcohol, wood alcohol, displays a sign or uses a label or advertises such alcohol having the word 'pure' or the single word 'alcohol' alone thereon, or fails to state the degree of proof of such alcohol, or fails to have the letters displaying or advertising 'Completely denatured alcohol' or 'Wood alcohol' plain, legible and of equal prominence, shall be fined not less than \$10 nor more than \$50.

"SEC. 12708-5. All provisions of sections 12708-2, 12708-3, and 12708-4 shall be enforced as provided for in section 1313 of the General Code."

County Sewer Districts—Establishment and Maintenance—Construction of Sewers and Sewage Treatment or Disposal Works—Appointment of Sanitary Engineer and Other Employees—Creation and Maintenance of Sanitary Engineering Department in Certain Counties. (Act Filed in Office of Secretary of State Apr. 27, 1923)

SECTION 1. That section 6602-1 of the General Code be amended to read as follows:

"SEC. 6602-1. For the purpose of preserving and promoting the public health and welfare, the boards of county commissioners of the several counties of this State may, by resolution, lay out, establish, and maintain one or more sewer districts within their respective counties, outside of incorporated municipalities. Each district shall be designated by an appropriate name or number. Any board of county commissioners may acquire, construct, maintain and operate such main, branch, intercepting, or local sewer or sewers within any such sewer district, and such outlet sewer or sewers and sewage treatment or disposal works within or without such sewer district, as may be necessary to care for and conduct the sewage or surface water from any or all parts of such sewer district to a proper outlet, so as to properly treat or dispose of same. Any such board of county commissioners may employ a competent sanitary engineer for such time or times, on such terms as they deem best, and may authorize such engineer to employ necessary assistants upon such terms as may be fixed by said board. In any county having a population exceeding 100,000 the board of county commissioners may create and maintain a sanitary engineering department, to be under their supervision and in charge of a competent sanitary engineer, to be appointed by such board of county commissioners, for the purpose of aiding them in the performance of their duties under this act or their other duties regarding sanitation provided by law; and said board shall provide suitable rooms for the use of such department and shall provide for and pay the compensation of such engineer and all necessary expenses of such engineer and department which may be authorized by such board. Any such sanitary engineer in charge of such sanitary engineering department, so appointed by such board of county commissioners, may, with the approval of such board, appoint necessary assistants and clerks and the compensation of any such assistants and clerks shall be fixed and paid by such board. The board of county commissioners may make, publish, and enforce rules and regulations for the construction, maintenance, protection and use of sewers and sewer improvements in their respective counties outside of incorporated municipalities, including the establishment of connections. Such rules and regulations shall not be inconsistent with the laws of the State of Ohio or the rules and regulations of the state board of health. No sewers or sewage treatment works shall be constructed in any county outside of incorporated municipalities by any person, firm, or corporation, until the plans and specifications for the same shall have been approved by the board of county commissioners, and any such construction shall be under the supervision of the county sanitary engineer, and any person, firm, or corporation, proposing or constructing such improvements, shall pay to the county all expenses incurred by the commissioners in connection therewith. The sanitary engineer shall have the right to enter upon any public or private property for the purpose of making surveys or examinations necessary for the laying out of sewer districts or designing sewers or treatment works, and to make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer or his duly authorized assistants entering upon such property for such purpose or making such surveys or examinations. If, however, actual damage is done to property by the making of such surveys and examinations, the commissioners shall pay the reasonable value of such damage to the owner of the property damaged, and such cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made. Any person or persons violating any provisions of this act (G. C. sections 6602-1 et seq.) or any rules or regulations herein provided for shall be liable to a fine not exceeding \$100 to be paid on conviction of such violation. All fines imposed and collected shall be paid to the county treasury and credited to any county sewer improvement or maintenance fund as the county commissioners shall direct."

SEC. 2. That original section 6602-1 of the General Code be, and the same is hereby, repealed.

County Sewer Districts—Establishment and Maintenance—Construction, Maintenance, Operation, and Use of Sewer and Water Supply Improvements in.
(Act Filed in Office of Secretary of State Apr. 30, 1923)

SECTION 1. That sections 6602-4, 6602-8c, 6602-11, 6602-17, 6602-20 and 6602-27 of the General Code be amended, and that supplemental sections 6602-1a, 6602-1b, 6602-1c, 6602-4a, 6602-14, 6602-17a, 6602-17b, 6602-20a, 6602-32a, 6602-32b, 6602-32c and 6602-32d be added to the General Code, to read as follows:

"Sec. 6602-1a. Whenever duly authorized by the council of any incorporated municipality, the board of county commissioners may, by resolution, lay out, establish, and maintain one or more sewer districts within their respective counties to include a part or all of the territory within such municipality as the whole or a part of such sewer district. Such authority shall be evidenced by an ordinance or resolution of the council of said municipality, entered upon its records.

"Sec. 6602-1b. The authority of the board of county commissioners to provide sewer improvements and to maintain and operate the same within sewer districts which include a part or all of the territory within one or more incorporated municipalities shall be the same as provided by law within sewer districts wholly outside of municipalities, including the levying of assessments, provided, however, that such authority, except as hereinafter provided, shall be limited to main works only, and shall not include construction and maintenance of lateral sewers for local service within such municipality.

"At any time after a sewer district is established comprising or including a part or all of the territory within any municipality, the council of such municipality may, by ordinance or resolution, authorize the board of county commissioners to proceed with the construction or the maintenance, repair, and operation of any sewer improvement for local service within such municipality. After such authority has been granted, the board of county commissioners may proceed with the construction, or the maintenance and operation of said improvement in the same manner as provided by law for improvements in sewer districts wholly outside of municipalities.

"Sec. 6602-1c. Whenever any portion of a sewer district is incorporated as a municipality or annexed to a municipality, the area so incorporated or annexed shall remain under the jurisdiction of the county commissioners for sewerage purposes, until all sewerage improvements for said area for which detailed plans have been prepared and the resolution declaring the necessity thereof has been adopted by the county commissioners, shall have been completed or until the county commissioners shall have abandoned such projects. Such incorporation or annexation of any part of a sewer district shall not interfere with or render illegal any issue of bonds or certificate of indebtedness made by the county commissioners to provide for the payment of the cost of construction and maintenance of any sewer improvement within such area, or with any assessments levied, or to be levied upon the property within such area to provide for the payment of the cost of operation and maintenance.

"Sec. 6602-4. For the purpose of paying a part or the whole of the cost of construction, maintenance, repair, or operation of any improvement provided for in this act or for paying the sanitary engineer provided for under the provisions of this act, and for paying for his assistants and all his other necessary expenses, the board of county commissioners may borrow money at a rate of not exceeding 6 per cent per annum on certificates of indebtedness to be signed by its president and clerk; such certificates of indebtedness shall be made payable at a time not more than five years from their date; or, for such purposes, the board of county commissioners may issue bonds as herein provided, or may appropriate money from any funds in the county treasury available. After the adoption of the improvement resolution, to provide means to pay the cost of any such improvement, the board of county commissioners shall, by resolution of said board, appropriate any funds in the county treasury available for that purpose, authorize the issuance of certificates of indebtedness, or authorize the issue of bonds of the county, in an amount not exceeding the estimated cost thereof by more than 10 per cent plus such amount as shall be necessary to pay the installments of interest on such bonds or on certificates of indebtedness to accrue before the first installment of taxes and assessments hereinafter provided for shall be collected. In case money has been borrowed on certificates of indebtedness as herein authorized, bonds may be later issued and sold to retire such certificates of indebtedness. Such bonds shall state the particular improvement or improvements on account of which they are issued and the date of resolution or order

of the board directing their issuance. Such bonds may bear interest at a rate not exceeding 6 per cent per annum, payable semiannually; may be of such denominations and payable at such time and place as the board of county commissioners shall provide, and may be issued from time to time as the work progresses and advertised and sold as other county bonds are required to be advertised and sold.

"SEC. 6602-4a. Any and all funds arising from premiums on bonds sold under the provision of section 6602-1 to 6602-14, General Code, and accrued interest thereon, and also interest earned on the funds realized from the sale of said bonds placed on interest under sections 2715 to 2745, General Code, shall be credited to the bond and interest fund established for the redemption of the bonds so sold.

"SEC. 6602-8c. On or before the second Monday in September, annually, the board of county commissioners shall certify all of said assessments to the county auditor, stating the amount and the time of payment thereof, and in accordance therewith the county auditor shall record the same in a book to be known as the 'Sewer improvement record' of said county. Such assessment shall bear interest at the rate that the bonds hereinbefore authorized shall bear and shall be a lien upon the lots and lands so assessed from the date of such record until such assessments shall be paid. The several installments of such assessments shall be placed upon the tax duplicate of the county for collection as they become due, and shall be collected the same as other taxes, and shall be subject to the same penalties, and when collected, together with all interest thereon, shall be applied respectively to the purposes for which such assessments have been made and to no other purposes.

"SEC. 6602-11. All such contracts shall provide for payment to the county, city, or village owning, constructing, or about to construct a sewer, sewers, or sewage treatment or disposal works, to be jointly used, of the amount agreed upon, by the county, city, or village so contracting for the joint use thereof: *Provided, however*, That any such county, city, or village owning, constructing, or agreeing to construct any such sewer improvement or sewage treatment works, as provided herein, and permitting the use thereof by such other county, city, or village, shall retain full control and management of the construction, maintenance, repair, and operation of such sewer improvement and sewage treatment or disposal works, except when conveyed to a municipality as hereinafter provided: *And provided further*, That any such contract, before going into effect, shall be approved by the Ohio State department of health. Any completed sewer improvement or sewage treatment works for the use of any sewer district, constructed under the provision of sections 6602-1 to 6602-13, inclusive, of the General Code, and located within any municipality or within any area which may be annexed to or incorporated as a municipality, may, by mutual agreement between the county commissioners and such municipality, be conveyed to such municipality, which shall thereafter maintain and operate such sewer improvement or sewage treatment works. The county commissioners may retain the right to joint use of such sewers or treatment works for the benefit of the sewer district. The validity of any assessments which may have been levied or may hereafter be levied to provide means for the payment of the cost of construction or maintenance of such sewer improvement or sewage treatment works or any part thereof shall not be affected by such conveyance.

"SEC. 6602-14. In addition to the regular salary provided by law for county commissioners, each commissioner serving in a county having one or more regularly created county sewer districts shall be paid the following amount: For time spent in connection with the establishing of any sewer district or the preliminary work preceding the awarding of any contract for either sewer or water improvements, or both, or for the acquiring of sewer or water supply lines already constructed, the sum of \$5 per day for each day actually employed, but not exceeding the aggregate sum of \$75 on each or any sewer or water improvements; for each and every sewer or water improvement actually installed under this act, a sum equivalent to the following schedule of costs for all improvements or parts of improvements actually constructed during the current year ending June 30: For the first \$200,000, one-third of 1 per cent; for all above \$200,000, and not exceeding \$400,000, one-fourth of 1 per cent; for all above \$400,000, and not exceeding \$600,000, one-sixth of 1 per cent; for all above \$600,000, one-tenth of 1 per cent: *Provided, however*, That the maximum compensation received by any commissioners or sanitary engineer serving in any county affected by this measure shall not exceed the amount of compensation received during the current year by the county auditor serving in the said county. The cost of any improve-

ment shall be determined by estimates paid to the contractor for such improvements plus the cost of all engineering, publication, and other costs of such improvements, as defined in this act, exclusive of the compensation provided in this section. The method of payment of the above shall be as follows: The sum of \$5 per day, as specified above, shall be paid by warrants issued by the county auditor upon the county treasurer upon the filing in the county auditor's office of an itemized statement by each county commissioner for such service. For improvements actually installed, as specified above, payments shall be made by warrants issued by the county auditor upon the county treasurer upon the filing in the county auditor's office of a bill properly authorized and certified by the county sanitary engineer, based upon monthly estimates of work constructed by any contractor or contractors regularly engaged in performing work upon any sewer or water contract, or both, plus the engineering and incidental costs as provided in this act exclusive of the compensation provided in this section. The funds to pay the above additional compensation to county commissioners shall be included in the incidental cost of each improvement, and the moneys shall be provided as already provided in this act. In the event that any improvement, either sewer or water, or both, is installed upon which a per diem fee has been previously paid, deduction shall be made of the amount so paid when the bills based upon the percentage allowance are regularly presented to the county auditor by the sanitary engineer for payment.

"Sec. 6602-17. For the purpose of preserving and promoting the public health and welfare, and providing fire protection, the boards of county commissioners of the several counties of this State may by resolution acquire, construct, maintain, and operate any public water supply or waterworks system within their respective counties for any established sewer district. In this act 'public water supply' shall mean any or all of the following: Wells, springs, streams, or other source of water supply, pumping equipment, treatment or purification plants, distributing mains, cisterns, reservoirs, necessary equipment for fire protection, other equipment, and lands, rights of way and easements, necessary for the proper development and distribution of the supply. Any board of county commissioners may acquire, construct, maintain, and operate such public water supply and may provide for the protection thereof and prevent the pollution and unnecessary waste thereof. By contract with any municipal corporation, or any person, firm, or private corporation, furnishing a public water supply within or without their county, they may provide such supply of water to such sewer district or districts from the waterworks of such municipality, person, firm, or private corporation. The sanitary engineer, if any, or sanitary engineering department, if any, of such county shall, in addition to other duties assigned to such engineer or department, assist the commissioners in the performance of their duties under this act, and shall be charged with such other duties and services in relation thereto as the commissioners may prescribe. The board of county commissioners may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of public water supplies in their respective counties outside of incorporated municipalities, or within established sewer districts, including the establishment of connections. Such rules and regulations shall not be inconsistent with the laws of the State of Ohio or the rules and regulations of the State board of health. No public water supplies or water pipes or mains shall be constructed in any county outside of incorporated municipalities by any person, firm, or corporation, except for the purpose of supplying water to such incorporated municipalities, until the plans and specifications for the same shall have been approved by the board of county commissioners, and any such construction shall be done under the supervision of the county sanitary engineer, and any person, firm, or corporation proposing or constructing such improvements, shall pay to the county all expense incurred by the commissioners in connection therewith. The sanitary engineer shall have the right to enter upon any public or private property for the purpose of making surveys and examinations necessary for the design or examination of public water supplies, and to make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer, or his duly authorized assistants entering upon such property for such purpose, or making such surveys or examinations. If, however, actual damage is done to property by the making of such surveys and examinations, the commissioners shall pay the reasonable value of such damage to the owner of the property damaged and such cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examination are made. Any person or persons violating any provision of this act or any rules or regulations herein provided for shall be

liable to a fine not exceeding \$100, to be paid on conviction of such violation. All fines imposed and collected shall be paid to the county treasurer and credited to such fund as the commissioners may determine. The commissioners may fix reasonable rates to be charged for water, when the source of supply or distributing pipes are owned by the county or district. When the source of supply is owned by a municipal corporation, or any person, firm, or private corporation, the schedule of rates to be charged by such municipal corporation, person, firm, or private corporation shall be ratified by the board of county commissioners at the time any contract is entered into for the use of water from such municipal corporation, person, firm, or private corporation. All money collected as rents or for waterworks purposes from any district shall be paid to the county treasurer and kept in a separate and distinct fund to the credit of such district. Such fund shall be applied first to the conduct, management, and operation of such water supply or waterworks system, and any surplus thereafter remaining shall be applied to the enlargement or extension thereof, to the payment of interest or principal of any loan, indebtedness, or liability incurred in connection therewith or for the creation of a sinking fund for the liquidation of any debt created in connection therewith; but in no case shall money so collected be expended otherwise than for the use and benefit of such district.

"SEC. 6602-17a. Whenever any portion of a sewer district is incorporated as a municipality or annexed to a municipality the area so incorporated or annexed shall remain under the jurisdiction of the county commissioners for waterworks purposes, until any water supply or waterworks improvements for said area for which detailed plans have been prepared and the resolution declaring the necessity thereof has been adopted by the county commissioners, shall have been completed or until said county commissioners shall have abandoned such projects. Such incorporation or annexation of any part of a sewer district shall not interfere with or render illegal any issue of bonds or certificate of indebtedness made by the county commissioners under the provisions of this act to provide payment for the cost of construction and maintenance of any water improvements within such area, or with any assessments levied, or to be levied, upon the property within such area to provide for the payment of the cost of construction and maintenance.

"SEC. 6602-17b. The authority of the board of county commissioners to provide water supply improvements and to maintain and operate the same within sewer districts which include a part or all of the territory within one or more incorporated municipalities shall be the same as provided by law within sewer districts wholly outside of municipalities, including the levying of assessments: *Provided however*, That such authority, except as hereinafter provided, shall be limited to main works only, and shall not include construction and maintenance of lateral water mains for local service within such municipality.

"At any time after a sewer district is established comprising or including a part or all of the territory within any municipality, the council of such municipality may by ordinance or resolution authorize the board of county commissioners to proceed with the construction or the maintenance, repair and operation of any water improvement for local service within such municipality. After such authority has been granted, the board of county commissioners may proceed with the construction, or the maintenance, repair, and operation of said improvement in the same manner as provided by law for improvements in sewer districts wholly outside of municipalities.

"SEC. 6602-20. For the purpose of paying a part or the whole of the cost of construction, maintenance, repair, or operation of any improvement provided for in this act or for paying the sanitary engineer and for paying for his assistants and all his other necessary expenses, the board of county commissioners may borrow money at the rate of not exceeding 6 per cent per annum on certificates of indebtedness to be signed by its president and clerk; such certificates of indebtedness shall be made payable at a time not more than five years from their date; or for such purposes the board of county commissioners may issue bonds as herein provided, or may appropriate money from any funds in the county treasury available. After the adoption of the improvement resolution, to provide means to pay the cost of any such improvement, the board of county commissioners shall, by resolution of said board, appropriate money from any funds in the county treasury available for that purpose, authorize the issuance of certificates of indebtedness, or authorize the issue of bonds of the county in an amount not exceeding the estimated cost thereof by more than 10 per cent, plus such amount as shall be necessary to pay the installments of interest, on such bonds or on certificates of indebtedness to accrue before the first installments of taxes

and assessments hereinafter provided for shall be collected. In case money has been borrowed on certificates of indebtedness as herein authorized, bonds may be later issued and sold to retire such certificates of indebtedness. Such bonds shall state the particular improvement or improvements on account of which they are issued and the date of resolution or order of the board directing their issuance. Such bonds may bear interest at a rate not exceeding 6 per cent per annum, payable semiannually, may be of such denominations and payable at such time and place as the board of county commissioners shall provide, and may be issued from time to time as the work progresses and advertised and sold as other county bonds are required to be advertised and sold.

"SEC. 6602-20a. Any and all funds arising from premiums on bonds sold under the provisions of sections 6602-17 to 6602-33, General Code, and accrued interest thereon, and also interest earned on the funds realized from the sale of said bonds placed on interest under sections 2715 to 2745, General Code, shall be credited to the bond and interest fund established for the redemption of the bonds so sold.

"SEC. 6602-27. On or before the second Monday in September, annually, the board of county commissioners shall certify all of said assessments to the county auditor, stating the amounts and time of payment thereof and in accordance therewith the county auditor shall record the same in a book to be known as the 'waterworks record' of said county. Such assessments shall bear interest at the same rate that the bonds hereinbefore authorized shall bear, and shall be a lien upon the lots and lands so assessed from the date of such record until such assessments shall be paid. The several installments of such assessments shall be placed upon the tax duplicate of the county for collection as they become due, and shall be collected the same as other taxes, and shall be subject to the same penalties, and when collected, together with all interest thereon, shall be applied respectively to the purposes for which such assessments have been made and to no other purpose.

"SEC. 6602-32a. At any time after the formation of any sewer district the board of county commissioners may enter into a contract upon such terms and conditions and for such period of time as may be mutually agreed upon with any city or village or any other county to prepare necessary plans and estimates of cost and to construct any water supply improvement or improvements to be used jointly by the contracting parties, and to provide for the furnishing of water and for the joint use by such contracting parties of such water supply improvement or the joint use of any suitable existing water supply or water mains belonging to either of such parties.

"SEC. 6602-32b. All such contracts shall provide for payment to the county, city, or village owning, constructing, or agreeing to construct such water supply improvement or improvements to be jointly used, of the amount agreed upon as the other party's share of the cost of such water supply improvement or improvements, and shall also provide for payment to the county, city, or village, owning or constructing, and maintaining same of the amount agreed upon for the other party's share of the cost of operating and maintaining such water supply improvement or improvements, including the cost of water or, in lieu of all other payments, an agreed price per unit for water furnished: *Provided, however,* That any such county, city, or village, owning, constructing, or agreeing to construct any such water supply improvement or improvements, as provided herein, and permitting the use thereof by such other county, city, or village, shall retain full control and management of the construction, maintenance, repair, and operation of such water supply improvement or improvements, except when conveyed to a municipality as hereinafter provided: *And provided further,* That any such contract, before going into effect, shall be approved by the Ohio State department of health. Any completed water mains for the use of any sewer district, constructed under the provisions of sections 6602-17 to 6602-33, inclusive, General Code, and located within any municipality or within any area which may be incorporated as a municipality or annexed to an existing municipality, may, by mutual agreement between the county commissioners and such municipality, be conveyed to such municipality, which shall thereafter maintain and operate such water mains. The county commissioners may retain the right to joint use of such water mains for the benefit of the sewer district. The validity of any assessment which may have been levied or may thereafter be levied to provide means for the payment of the cost of such construction or maintenance of such water mains or any part thereof shall not be affected by such conveyance.

"SEC. 6602-32c. The county, city, or village so contracting for the joint use of any water supply improvement or improvements, so constructed, or to be con-

structed by another county, city, or village, may provide for payment of the agreed compensation by the levy of taxes, special assessments, or water rentals as now provided in the laws governing such county, city, or village in the construction, maintenance, repair, or operation of a water supply improvement or improvements, and may issue bonds as provided by such laws in anticipation of such taxes or assessments.

"SEC. 6602-32d. The county, city, or village receiving such compensations shall credit the amount so received to the proper fund to be used and applied toward the construction or maintenance, as the case may be, of such water supply improvement or improvements, and other works to be jointly used."

SEC. 2. That original sections 6602-4, 6602-8c, 6602-11, 6602-17, 6602-20, and 6602-27 of the General Code be, and the same are hereby, repealed.

Buildings—Construction, Alteration, and Repair—Establishment, Powers, and Duties of Board of Building Standards—Applicability of Act. (Act Filed in Office of Secretary of State Apr. 30, 1923)

SECTION 1. The purpose of this act is that all public buildings or parts and appurtenances thereof, wheresoever erected, that are to be used or that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, or repair, storage, traffic, or occupancy by the public, and all other buildings or parts and appurtenances thereof erected within the limits of or any city or in any territory laid out in town lots within 3 miles of the corporate limits of any city, whether within a village or not, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy, except that this act shall not apply to single and two family dwelling houses.

For the purpose of this act a building is any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. A building shall be considered safe when free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the method or materials of its construction or from equipment installed therein for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise. A building shall be considered sanitary when it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public if such danger arises from the method or materials of its construction or from any equipment installed therein for the purpose of lighting, heating, ventilating, or plumbing.

SEC. 2. There is hereby established in the department of industrial relations a board of building standards which shall consist of seven members. The chief of the division of workshops and factories and public buildings shall be a member and secretary of the board, but the director of industrial relations may designate an employee of his department as assistant secretary. An employee of the department of health who is a sanitary engineer, to be designated by the director of said department, shall be a member of the board. The other members shall be appointed by the governor with the advice and consent of the senate. Within thirty days after this act takes effect, three such members shall be appointed for a term of two years and two shall be appointed for a term of four years; thereafter as the terms of the members so appointed so expire, their successors shall be appointed for terms of four years. Vacancies otherwise occurring shall be filled in like manner for the unexpired term. Of the members so appointed by the governor, one shall be an attorney at law, admitted to the bar of this State; and the others shall be persons of recognized ability, broad training, and large experience in problems and practice incidental to the construction and equipment of buildings. Each member of the board not otherwise required to take an oath of office shall take the oath prescribed by the constitution. Each member appointed by the governor shall receive as compensation \$10 for each day's attendance at the meetings of the board, but not to exceed \$1,500 in any year, and shall receive his actual and necessary expenses in the performance of his official duties. The amount of such compensation and expenses shall be certified by the secretary of the board and paid in the same manner as the compensation and expenses of employees of the department of industrial relations are paid.

SEC. 3. The board of building standards shall organize by choosing a chairman, who shall serve for a term of two years. The department of industrial relations

shall provide and assign to the board of building standards such stenographers, clerks, experts, and other employees as may be required to enable the board to perform the duties and exercise the powers imposed upon or vested in it by law.

SEC. 4. The board may adopt its own rules of procedure not inconsistent with this act and may change the same from time to time in its discretion. The votes of a majority of the members of the board shall be required for the adoption of any rule or regulation, amendment or annulment thereof. A full and complete record of all proceedings of the board shall be kept which shall be open to public inspection and authenticated in the manner provided in section 154-18 of the General Code.

SEC. 5. For the purpose of carrying out the provisions of section 1 of this act, the board of building standards shall have and perform the following powers and duties:

(1) To formulate and report to the general assembly from time to time such amendments in existing statutes relating to the purposes declared in section 1 of this act as public health and safety and the development of the arts may from time to time require.

(2) To formulate and report to the general assembly from time to time such additional legislation as it may recommend with a view to carrying out fully, in statutory form, the purposes declared in section 1 of this act.

(3) To determine by rule or regulation on application to it made in the manner herein provided that any particular fixture, device, material, system, or method of construction is equivalent, having regard to its adaptability for safe and sanitary construction to that described in any section of the General Code, wherever the use of a fixture, device, material, system, or method of construction which is equivalent, as regards such standards, to that described in such section of the General Code, is permitted by law; and on like application to amend or annul any such rule or regulation.

No department, officer, board, or commission of the State government other than the board of building standards hereby created shall have power to determine such equivalents in any case, nor to permit the use of any fixture, device, material, system, or method of construction at variance with what is described in any such section of the General Code.

(4) To recommend to the industrial commission of Ohio, the public health council, or any other department, officer, board, or commission of the State and to municipal councils and building departments, the making, amending, fixing, or ordaining by such appropriate action as such State or municipal authorities may be empowered by law or the constitution to take, of such rules, regulations, codes, or standards as shall tend to carry out the purposes declared in section 1 of this act with a view to securing uniformity of State administrative ruling and local legislation and administrative action with respect to such purposes.

(5) To conduct such hearings, in addition to those required by this act, and to make or cause to be made such investigations and tests, and to require from other State departments, officers, boards, and commissions such information as the board may deem necessary or desirable in order to assist it in the discharge of any duty or in the exercise of any power mentioned in this section or elsewhere in this act.

SEC. 6. From and after their effective dates, as fixed by the board, the rules and regulations adopted by the board shall be prima facie reasonable and lawful and shall be in force until modified or set aside by the board or in an action brought for that purpose pursuant to the provisions of section 9 of this act. The construction, alteration, and repair of buildings and the materials and devices of any and all kind used in connection therewith and the heating and ventilating thereof and the plumbing and electric wiring therein shall conform to the statutes of this State and the rules and regulations adopted and promulgated by the board of building standards, and to provisions of local ordinances not inconsistent therewith. Any building or structure or part thereof constructed, altered, or repaired not in accordance with the statutes of this State and with the rules and regulations of the board, and any building or structure or part thereof in which there is installed, altered, or repaired any fixture, device, and material or plumbing, heating or ventilating system or electric wiring not in accordance with such statutes, rules, and regulations shall be deemed a public nuisance.

SEC. 7. Any person may petition the board for the adoption, amendment, or annulment of a rule or regulation permitting the use of any particular fixture, device, material, system or method or manner of construction or installation as

the equivalent, as regards the purposes declared in section 1 of this act, of the fixtures, devices, materials, systems or methods or manners of construction or installation described in any section of the General Code relating to said purposes, where the use of such equivalent is permitted by law. If the board, after hearing, shall deem it advisable to adopt the rule or regulation or amendment or annulment thereof petitioned for, it shall give at least thirty days' notice of the time and place of a public hearing thereon, which notice shall state in full the proposed rule or regulation to be adopted, amended, or annulled, or the proposed amendment, and shall be advertised in at least five newspapers published in different counties and of general circulation in the State. No such rule or regulation shall be adopted, amended, or annulled until after such public hearing. A copy of every such rule or regulation and every amendment or annulment thereof signed by the chief of the division of workshops, factories, and public buildings and sealed with the seal of the department of industrial relations shall, after final adoption by the board, be filed in the office of the secretary of state and shall be published in such manner as the board of building standards may from time to time determine. Any such rule or regulation or amendment or annulment thereof shall not take effect until a date fixed by the board and stated therein; and in case of amendment or annulment such date shall not be less than ninety days after the same is filed in the office of the secretary of state. No such rule or regulation or amendment or annulment shall apply to any building the plans or drawings, specifications, and data of which have been approved prior to the time such rule or regulation or amendment or annulment takes effect. All hearings of the board shall be open to the public. Each of the members of the board for the purposes of this act shall have the power to administer oaths.

Sec. 8. Any person interested, either because of ownership or occupation of any property affected by any such rule or regulation, or as the producer, manufacturer, seller, or distributor of any building material, plumbing, heating or ventilating system or device, or any other device or equipment the use of which is not provided for by any such rule or regulation, so adopted or amended, may petition for a hearing on the reasonableness and lawfulness of any action of the board of building standards adopting, amending, or annulling or refusing to adopt, amend, or annul such rule or regulation, in the manner provided in this act. Such petition for hearing shall be by verified petition filed with the board setting out specifically and in full detail the action of the board upon which a hearing is desired and the reason why such action is unreasonable or unlawful and every issue to be considered by the board on the hearing. Such petition shall be filed within thirty days after the record of the action of the board is filed in the office of the secretary of state, in cases wherein such record is required to be so filed; otherwise within thirty days after the action is taken. Upon receipt of said petition, after hearing, which shall be held within thirty days thereafter, and of which notice has been given the petitioner, the board may determine that such action is unreasonable or unlawful and annul any rule or regulation forthwith, or it may confirm its prior action forthwith, or it may proceed to reenact or amend any rule or regulation in manner provided in section 7 hereof. If the matter in hearing is not determined by the board within two weeks after such hearing, the action may at the option of the petitioner be deemed to have been confirmed.

Sec. 9. Any person in interest mentioned in section 8 hereof being dissatisfied with any action of the board of building standards adopted and confirmed by determination of the board as provided in said section may commence an action in the common pleas court of Franklin County against the board as defendant to set aside, vacate, or amend any such provision on the ground that the provision is unreasonable or unlawful and the said court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The board shall be served with summons as in other civil cases. The answer of the board shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

Sec. 10. The construction, use, or occupation of any building which is declared by this act to be a public nuisance may be enjoined in a proceeding instituted in the name of any department or officer mentioned in section 12600-281 of the General Code in the court of common pleas of the county in which said building is or will be situated.

SEC. 11. Nothing contained in this act shall be construed as limiting any of the powers now existing in the public utilities commission of Ohio, the industrial commission of Ohio, or the department of commerce, division of fire marshal, or the department of health, excepting as herein specifically provided, nor as exempting any officer or department from the obligation of enforcing all existing laws; nor shall anything contained in this act be construed as limiting any of the powers conferred upon municipalities by the constitution or the laws of this State.

SEC. 12. The board of building standards may require the department of industrial relations to make such investigations, reports, and tests and to submit such information as it may deem necessary to assist it in the determination of any question coming before it, and may utilize for such purpose the services of the engineering experiment station at the Ohio State University.

SEC. 13. Before entering into contract for the construction or erection of any public building to be used or that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture or repair, storage, traffic, or occupancy by the public, the owner or owners thereof shall, in addition to any other submission of plans or drawings, specifications, and data required by law, submit the plans or drawings, specifications, and data prepared for the construction, erection, and equipment thereof or the alteration thereof or addition thereto to the municipal building department having jurisdiction, if such there be; otherwise to the chief of the division of workshops, factories, and public building [s], for its or his approval. No owner or owners shall proceed with the construction, erection, alteration, or equipment of any such building until said plans or drawings, specifications, and data have been so approved.

SEC. 14. Whoever being the owner or owners or having control as an officer, or as a member of a board, or committee, or otherwise, of a public building to be used or that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture or repair, storage, traffic, or occupancy by the public violates the provision of section 13 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.

Any architect, designer, engineer, builder, contractor, subcontractor, or any officer or employee of a city building inspection department who violates the provisions of section 13 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.

SEC. 15. A justice of the peace, mayor or police judge shall have jurisdiction in prosecution for the violation of any provision of this act.

SEC. 16. Wherever in sections 12579 to 12592, both inclusive, and 12600-1 to 12600-282, both inclusive, of the General Code, particular fixtures, devices, materials, systems or methods or manners of construction or installation are described, such description shall be deemed to prescribe minimum standards of safety and sanitary condition exemplified by such particular fixtures, devices, materials, systems, or methods or manners of construction or installation. Where the use of another fixture, device, material, system or method or manner of construction or installation is desired at variance with what is so described, such use shall be permissible, anything in any of said sections to the contrary notwithstanding, if such other fixture, device, material, system, method or manner of construction be the equivalent of that described in such section as measured by the standard of safety, or sanitary condition so indicated, and the equivalence thereof be determined by rule or regulation adopted and promulgated by the board of building standards as provided in this act.

SEC. 17. Section 12600-277 of the General Code is hereby amended to read as follows:

"SEC. 12600-277. Nothing herein contained shall be construed to limit the council of municipalities from making further and additional regulations, not in conflict with any of the provisions of this chapter or with the rules and regulations of the board of building standards determining equivalents, nor shall the provisions of this chapter be construed to modify or repeal any portion of any building code adopted by a municipal corporation and now in force which are [is] not in direct conflict with the provisions of this chapter or with such rules and regulations."

SEC. 18. Said original section 12600-277 of the General Code is hereby repealed.

Wiping Rags—Washing, Sterilization, and Drying of. (Act Filed in Office of Secretary of State Apr. 30, 1923)

SECTION 1. No person, firm, copartnership, or corporation, operating a workshop or factory shall furnish or deliver to any employee any cloth or other material to be used as wiping rags by employees in such workshops or factory unless such cloth or other material shall first be thoroughly washed with soap and alkali soda, sterilized with chemical preparations and dried with an average heat of 212°. Whoever violates any of the provisions of this act for first offense shall be fined not less than \$25 nor more than \$100; for a second offense shall be fined not less than \$200 nor more than \$300; and for a third and each subsequent offense shall be imprisoned in the workhouse for not less than thirty days nor more than ninety days.

Standard Railway Sanitary Code. (Reg. Dept. of H., Mar. 9, 1923)

[The public health council of the State department of health of Ohio has adopted, as regulations numbered 141 to 231, inclusive, the standard railway sanitary code. This code has been published by the United States Public Health Service as Supplement No. 46 to the Public Health Reports.]

OKLAHOMA

Indigent Tuberculous Persons—Care and Treatment of, at County Poor Farms. (Ch. 39, Act Apr. 9, 1923)

SECTION 1. *Tubercular patients—Building.*—That the board of county commissioners of the several counties throughout the State shall have power to erect buildings upon county poor farms for the isolation and treatment of all indigent persons afflicted with tuberculosis, and that said patients may, if said building is erected, be cared for out of the poor and insane fund of the county of which said patients are residents.

SEC. 2. *Board of county commissioners—Treatment of patients.*—That the board of county commissioners shall supervise the treatment of said patients in the same manner as is now provided by law for the care of all indigent persons in county poor farms.

SEC. 3. *Same—Public donations.*—That said board of county commissioners shall be permitted to accept public donations in aid of the construction, upkeep, and maintenance of said buildings and support of patients therein.

SEC. 4. *Same—Employment of nurses, etc.*—That the board of county commissioners shall be authorized to employ suitable person or persons to care for such patients and quarters, upon such terms and under such restrictions as the board of county commissioners shall consider most advantageous for the interest of the county and the welfare of the people therein, under the same terms and conditions as is now provided by law for superintending of county poor farms.

School Books—Disinfection. (Ch. 175, Act Mar. 24, 1923)

SEC. 14. * * *

(h) Twenty days before the date set for the opening of school in the fall the books previously used must be fumigated by the school authorities, and it shall be the duty of the State board of education to furnish a formula, to be approved by the State board of health, for the fumigation and sterilization of all books before being reissued or following an epidemic of contagious or infectious diseases, and shall cause to have printed in circular form and mailed to the clerk of each school district said formula, together with instructions and suggestions for said fumigation.

Hotels, Restaurants, Barber Shops, Stores, and Schools—Division of State into Four Districts for Purpose of Inspection of. (Ch. 168, Act Feb. 17, 1923)

SEC. 2 *Inspection districts.*—For the purpose of more thoroughly inspecting hotels, barber shops, restaurants, stores, and school premises of cities and towns in the State of Oklahoma, the State is hereby divided into four approximately equal parts, by the Santa Fe Railroad running north and south, and by the Rock Island Railroad running east and west; said divisions being designated as northeast division, southeast division, northwest division, southwest division, and to each one of these four divisions the commissioner of health shall assign one supervisor and two inspectors, and said commissioner of health shall hold said supervisor and inspectors of each division responsible for thoroughly inspecting the hotels, restaurants, stores, and school premises of the cities and towns of their particular division of the State, to the end that epidemics may be avoided; but, should there be an epidemic in any section or sections of the State, these supervisors and inspectors may be shifted from one division of the State to another by order of the health commissioner.

State Rehabilitation and Industrial Institute—Establishment, Operation, and Management—Admission, Commitment, Care, Treatment, and Maintenance of Drug and Liquor Addicts. (Ch. 126, Act Apr. 9, 1923)

SECTION 1. An institution is hereby created and established under the name of the Oklahoma Rehabilitation and Industrial Institute.

SEC. 2. Such institute shall be located on a tract of 80 acres at the Darlington Home in Canadian County, Okla., on the southwest quarter of the northwest quarter of section 25, township 13 north, range 8, west of the Indian

meridian and the southeast quarter of the northeast quarter of section 26, township 13 north, range 8, west, all in Canadian County, Okla., on condition that within thirty days of the passage and approval of this act, the owner of such tract shall convey the same to the State of Oklahoma, by filing a written acceptance of said location with the secretary of state and delivering to the Governor of the State of Oklahoma a good and sufficient deed of grant and conveyance thereunto, including all buildings and improvements thereon, consisting of dormitories, offices, dining room, chapel, heating plant, boiler pipes, and radiators installed, laundry, sewer, and sanitary system and about 2,000 feet of disposal pipe, three general-purpose, two-story barns, twin silo, dairy barn, ten small living houses or units and cement walks, sheds, fencing corrals and other improvements; also to convey by like good and sufficient deed an additional tract of 40 acres, to wit: The southwest quarter of the northwest quarter of section 13 in same township and range, on which is located a water plant and pumping station and water pipe therefrom to said first described tract of land, including right-of-way and water rights.

SEC. 3. The consideration for such land, buildings, improvements, and rights is is \$210,000, payable as follows: Thirty thousand dollars, on delivery and acceptance of deed; \$15,000, June 1, 1924; \$20,000, June 1, 1925; \$20,000, June 1, 1926; and \$25,000 on each ensuing June 1 to and including 1931. This act and its acceptance shall constitute a valid and subsisting contract between the State of Oklahoma and the owner of such property, and his or its assigns, and to secure payment hereof the State pledges its credit for the payment of the unpaid balance; and in the event of failure so to do, past due payments bear interest at 4½ per cent, per annum, and the State consents to being sued in the courts of this State and of the United States.

SEC. 4. Such institution shall be operated and conducted as a State hospital, a house of refuge, and rehabilitation home for all persons addicted to the use of any drug, chemical, or other deleterious substance, or addicted to any other self-debauching habit or practice, and any such person shall be admitted to or committed to such institution in conformity to the requirements of this act.

SEC. 5. Any person in this State addicted to the use of any fluid, drug, or chemical, covered under the Harrison narcotic act, or any amendment thereof, or to the use of any other deleterious habit-forming drug, chemical, or compound whatsoever, shall be deemed a drug or liquor addict.

SEC. 6. Patients admitted to the institution for drug and liquor addicts shall be divided into four classes:

- First. Voluntary private patients,
- Second. Committed private patients,
- Third. Voluntary public patients,
- Fourth. Committed public patients.

SEC. 7. The board of lunaticum inquirendum of each county in this State is hereby vested with authority, and it is made their duty to conduct full and careful inquiry and make written record thereof by the same questions prescribed for insane persons, and in addition thereto a full and complete history of the acquisition of such habit, and all treatment and other efforts pursued to cure or eliminate the same. Such inquiry shall also include the names and places from which any deleterious drug or other substance shall have been obtained.

SEC. 8. Every sheriff, police officer, constable, police judge, justice of the peace, or other magistrate or police officer is hereby required to report, immediately, by filing written information with the county judge as chairman of the board of lunaticum inquirendum of his county, the presence of any such addict known to him, or of which he has been informed, where such person is or is believed to be within the county; and if such person is under arrest to surrender such person to the State for treatment: *Provided*, This act shall not operate to relieve any person from any criminal charge or from awaiting trial for any crime or from performing any sentence or judgment of conviction for crime rendered against him.

SEC. 9. The county judge and the clerk of his court are authorized to issue warrants of arrest and commitments for any such person herein described, and are authorized to issue subpoenas to or for any witness deemed by them necessary to any such inquiry. All papers and proceedings shall be kept in triplicate; one to be filed with the clerk of the court, one sent to and filed by the commissioner of charities and corrections of the State, and the third shall accompany the commitment of such person to such institution.

SEC. 10. Voluntary private patients and committed private patients shall be admitted to said institution in accordance with the rules and regulations to be

prescribed by the State commissioner of health; and their observation, care, medical treatment, and maintenance shall be without cost or expense to the State, or any county thereof.

SEC. 11. Drug and liquor addicts shall be sent to and received by said institution for observation, care, medical treatment, and maintenance in the following manner to wit: Any person who now is, or who hereafter may become a drug or liquor addict, may appear before the board of the county wherein he is a resident citizen, inform said board of his condition, and file his application requesting that he be placed in said institution for observation, care, medical treatment, and maintenance. It shall be the duty of said board to investigate the physical and mental condition of said applicant and the cause of his condition, and also to investigate the financial ability of said applicant or the financial ability of those legally chargeable for his support. Should it be found, upon such investigation, that said applicant is a drug or liquor addict and that he, or those legally chargeable for his support, are financially able to place him in said institution, and pay all expenses for his observation, care, medical treatment, and maintenance, he shall then be placed in said institution as a voluntary private patient. Should the facts disclose, from such investigation, that the applicant is a drug or liquor addict, but that he, or those legally chargeable for his support, are financially unable to pay for his observation, care, medical treatment, and maintenance, he shall be placed in said institution as a voluntary public patient, and the expenses thereof paid as hereinafter provided.

SEC. 12. It shall then be the duty of said county board to apprehend and commit any addict brought to its attention, and immediately make a careful and complete investigation and hearing, as is provided by law; and upon such examination, investigation, and hearing, should the facts charged in said information be found to be true, such person so charged shall be found by said board to be a drug or liquor addict and thereupon committed to said institution. It shall also be the duty of said board to investigate the financial ability of said addict or the financial ability of those legally chargeable for his support. Should it be found from such investigation that said addict or those legally chargeable for his support are financially able to place said addict in said institution and pay the expenses of his observation, care, medical treatment, and maintenance, he shall then be placed in said institution as a committed private patient. Should it be found from said investigation that said person so informed against is a drug or liquor addict, but that he or those legally chargeable for his support are financially unable to pay for his observation, care, medical treatment, and maintenance, he shall be assigned to said institution as a committed public patient and his expenses paid as hereinafter provided. Nothing contained herein shall prevent those informed against from having a trial by a jury, in a court of competent jurisdiction, in determining the mental condition of such person or persons.

SEC. 13. The cost of maintaining such institution shall be a State charge; this to include the burial of any person dying while kept thereat. The expense of all hearings by the county boards and the cost of conveying all patients thereto shall be a county charge and be audited and allowed by the board of county commissioners of the county from which he is committed, and such county shall also be liable for the payment for board and care and treatment for such addict.

SEC. 14. Bills shall be prepared and expense accounts drawn by the superintendent of said institution, and sent to the board of county commissioners of such county from which such patient is sent to said institution, whose duty it shall be to order the county treasurer to pay the same out of the fund set aside for that purpose.

It shall be the duty of the officers in such county charged with the duty of preparing and fixing the tax levy to provide a fund for the purpose of this act and to levy a tax therefor.

SEC. 15. All persons adjudged to be drug or liquor addicts and as such committed to said institution shall be committed for a period of six months, and in no case shall executive clemency lie. In all cases where a patient has been released from said institution and again becomes a drug or liquor addict, the State commissioner of health shall have the right to order such person recommitted to said institution.

SEC. 16. Any court within this State before whom there may appear any drug or liquor addict is hereby authorized and directed to turn such addicts into the custody of the proper officers so that they may be investigated by the county board.

SEC. 17. It is hereby made the duty of every person who knows of a drug or liquor addict to report such knowledge to the drug and liquor addict board within

his county. It shall be the duty of every individual and all heads of firms, associations, or corporations; all officials of every university, normal, agricultural, mechanical, or mining school; of every high school, common school, private school, parochial school; of officials of all municipalities, of all towns, of all officials of training schools, of all nurses' schools, of all fraternal institutions and organizations to report each and every case of a drug or liquor addict as may come before their observation.

SEC. 18. Any person who may be confined for observation, care, medical treatment, and maintenance in said institution may be engaged by the authorities thereof to perform such labors in said institution as the physical condition of such person may justify.

SEC. 19. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$100.

SEC. 20. Said institution shall be under the management, control, and supervision of the State commissioner of health, and he is hereby authorized and empowered to make and promulgate all necessary rules and regulations for the care of the inmates of such institution, including medical and other treatment, arrest, restraint, confinement, recapture, and conveyance of all escaped inmates.

SEC. 21. The State commissioner of health shall appoint a superintendent, who shall be a graduate, practicing physician, skilled in the treatment of drug and liquor addicts, and an assistant superintendent possessing like qualifications; and shall prescribe the number and qualifications of all other persons employed at such institution and fix their compensation within the limits prescribed by the legislation appropriate therefor.

SEC. 22. The county judge, county attorney, and county superintendent of health shall receive no additional salaries by reason of the duties imposed upon them by this act.

SEC. 23. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated, out of any funds in the State treasury not otherwise appropriated, the sum of \$45,000 to cover the payments to become due in 1923 and 1924 as provided in section 3 of this act; and for the purpose of paying salaries of the superintendent, assistant superintendent, and necessary employees for said institution for the next biennium, and of making repairs and furnishing equipment for the said institution for the next biennium, there is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the fiscal year ending June 30, 1924, \$115,000, and for the fiscal year ending June 30, 1925, \$68,000, or as much thereof as may be found necessary.

Local Registrars of Vital Statistics—Fees of. (Ch. 13, Act Mar. 28, 1923)

SECTION 1. *Vital statistics—Registrars.*—That section 9002 of the Compiled Statutes of Oklahoma, 1921, be, and the same is hereby, amended to read as follows:

"SEC. 9002. That each local registrar shall be paid the sum of 25 cents for each birth certificate and each death certificate, properly and completely made out and registered with him and correctly recorded and promptly returned by him to the State registrar as provided by this act, and in case no births or deaths were registered during any month the local registrar shall report to that effect. Each local registrar shall be paid the sum of \$2 for a monthly report, to be transmitted on the 10th day of the following month to the State registrar on such forms as may be required by the State registrar. In addition thereto, the local registrar shall be paid a fee of 25 cents for each burial, removal, or transit permit issued by him. All accounts payable to a local registrar under the provisions of this section shall be paid by the board of county commissioners of the county in which the registration district is located upon certification by the State registrar, and the State registrar shall on the 15th day of each month certify to the board of county commissioners of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amount due at the rates fixed therein [herein]."

Bedding—Making, Remaking, Renovation, Labeling, and Sale. (Reg. Commissioner of H., Effective Apr. 1, 1923)

SECTION 1. That the term "bedding" as used in this regulation shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion, or pillow designed and made for use in sleeping or reclining.

The word "person" as used in this regulation shall be construed to impart the plural and the singular as the case demands, and shall include individuals, corporations, partnerships, joint-stock companies, societies, and associations.

When construing and enforcing the provisions of this regulation, the act, omission, or failure of any officer, agent, or other person acting for or employed by any individual, corporation, partnership, joint-stock company, society, or association, within the scope of his employment or office, shall in every case be also deemed the act, omission, or failure of such individual, corporation, partnership, joint-stock company, society, or association as well as that of the person.

SEC. 2. No person shall use in the making or remaking of any article of bedding as herein defined any material of any kind that has been used by or about any person having an infectious or contagious disease, or has formed a part of any article of bedding which has been so used.

SEC. 3. No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver, or consign for sale, any article of bedding that has been used by or about any person having an infectious or contagious disease.

SEC. 4. No person shall remake or renovate any article of bedding unless all the material to be used in said remake or renovated bedding shall first be thoroughly sterilized and disinfected by a process approved by the State board of health.

No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver, or consign for sale, any article of bedding which has been previously used unless the said article of bedding shall first be thoroughly sterilized and disinfected by a process approved by the State health commissioner.

SEC. 5. No person shall sell, offer for sale, consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale, any article of bedding as herein defined unless the same be labeled or tagged as follows:

Upon each of such articles of bedding there shall be securely sewed upon the outside thereof a muslin or linen label or tag not less than 2 by 3 inches in size, upon which shall be legibly written or printed, in the English language, a description of the material used as the filling of such article of bedding; if any and all the material used as the filling of such article of bedding shall not have been previously used, the words "Manufactured of new material" shall appear upon said tag, together with the name and address of the maker or vendor thereof.

If any of the material used in the making or remaking of such article of bedding shall have been previously used the words "Manufactured of previously used material" or "Remade of previously used material," as the case may be, shall appear upon said tag or label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding.

On any article of bedding, not remade, but which has been previously used, the words "Secondhand materials used in filling not known" shall appear upon said tag or label, together with the name and address of the vendor thereof.

The statement required under section 5 of this regulation shall in form be as follows:

OFFICIAL STATEMENT

Manufactured of new material.

Materials used in filling

Made by

Vendor

Address

The words "Manufactured of new material" or "Manufactured of previously used material" or "Remade of previously used material" or "Secondhand materials used in filling not known," together with the description of the material used as the filling of an article of bedding, shall be in letters not less than one-eighth of an inch in height.

In the case of all articles of bedding the sewing of one edge of the tag securely into an outside seam of the article shall be deemed a compliance with that portion of the regulation requiring that the tag be "securely sewed" upon the article.

No term of description likely to mislead shall be used on any tag or label required by this regulation in the description of the material used in the filling of any article of bedding.

SEC. 6. Any person, other than a purchaser for his own use, who shall remove, deface, alter, or shall cause to be removed, defaced, or altered, any label or tag

upon any article of bedding so labeled or tagged under the provisions of this regulation shall be guilty of a violation thereof.

SEC. 7. Any person who shall fail to comply with any of the provisions of this regulation shall be guilty of violation thereof. The unit for separate and distinct offense in violation of this regulation shall be each and every article of bedding made, remade, sold, offered for sale, delivered, consigned, or possessed with an intent to sell, offer for sale, deliver, or consign, contrary to the provisions hereof.

SEC. 8. Every place where articles of bedding are made, remade, or renovated, or held for sale, consignment, or delivery shall be subject to supervision and inspection by the State health commissioner through the sanitary inspector, whose duty it shall be to supervise and inspect the manufacture and sale of articles of bedding as defined in this regulation. Should said State health commissioner find articles of bedding being made, remade, or renovated, or held for sale, consignment, or delivery, in other than sanitary conditions, then said State health commissioner shall give the person responsible for this insanitary condition a definite length of time within the discretion of said State health commissioner, said time, however, not to exceed sixty days, in which to remedy the said insanitary condition or conditions, and in the event of failure to do so on the part of the person responsible therefor, the said failure shall become a violation of this regulation. Said State health commissioner shall have the power to prosecute all violations of this regulation. Should said State health commissioner have reason to believe that any person is violating or has violated any provision of this regulation it shall be the duty of said State health commissioner to prosecute such person thereof [therefor].

SEC. 9. When the State health commissioner has inspected any place where bedding is made, remade, or renovated and has found said bedding being made, remade, or renovated under sanitary conditions, it shall be the duty of the State health commissioner to issue to the person operating such plant a certificate or permit showing that the said plant has been inspected and declared a proper place in which to make, remake, or renovate articles of bedding; said certificate or permit to be placed by the person to whom it is so issued in a conspicuous place in said plant or office thereof.

Every person making, remaking, or renovating bedding, except a person making remaking, or renovating bedding for his own use, shall be required to secure a certificate or permit from the State health commissioner and shall request the State health commissioner to have the plant of such person inspected by the sanitary inspector, and upon the report of said sanitary inspector that the plant conforms to the sanitary conditions prescribed by the State health commissioner, then it shall be the duty of the State health commissioner to issue such person a certificate or permit as provided in the foregoing paragraph of this section.

The certificate or permit so issued by the State health commissioner shall cover the calendar year for which it is issued, and shall remain in force and effect during such calendar year or until voided by the State health commissioner for failure to maintain the required sanitary conditions in and around said plant or for failure to properly sterilize and disinfect all materials used in remaking or renovating bedding as required by the State health commissioner.

If and when the State health commissioner has reason to believe that any article of bedding sold, offered for sale, delivered, consigned, or possessed with intent to sell, offer for sale, deliver, or consign, is not correctly labeled as to contents, the said sanitary inspector shall be empowered to open such article of bedding to examine the material used in filling same; and if said health commissioner or sanitary inspector, after examination of the material used as filling, is unable to determine definitely whether the material used as filling is new or has been previously used, or whether the material used in filling such article of bedding is of the kind it is stated to be on the label, the State health commissioner or sanitary inspector shall have power to examine the purchase invoice or invoices of such material and such other records of the business as are necessary to determine definitely the kind and character of the material used in such article of bedding.

SEC. 10. No person shall sell, offer for sale, or consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale, any article of bedding as hereinbefore defined unless the same shall have been made, remade, or renovated in a plant inspected and approved as to sanitary conditions by the State health commissioner or sanitary inspector and holding a certificate or permit as provided for in section 9 of this regulation.

SEC. 11. Any person who has reason to believe that this regulation has been or is being violated may present the facts to the county attorney of the county wherein such violations occur, and it shall thereupon be the duty of said county attorney to investigate the said violation and to institute a prosecution if he finds reasonable cause to believe that there has been such violation. Any individual may institute proceedings to enforce this regulation and punish any violation thereof in the county where such violation occurs.

Penalty.—Any person, firm, or corporation violating any of the provisions of this regulation shall be guilty of a misdemeanor and punished as provided in section 6812, Revised Laws of Oklahoma, annotated, 1910.

Standard Railway Sanitary Code. (Reg. Commissioner of H., May 1, 1923)

[The State commissioner of health of Oklahoma has adopted as regulations the standard railway sanitary code. This code has been published by the United States Public Health Service as Supplement No. 46 to the Public Health Reports.]

OREGON

County and City Boards of Health—How Constituted—Duties. County and City Health Officers—Appointment, Qualifications, Term, Powers, Compensation, and Removal. (Ch. 129, Act Feb. 19, 1923)

SECTION 1. That section 8369, Oregon Laws, be, and the same is hereby, amended so as to read as follows:

"SEC. 8369. The county judge and county commissioners, and the mayor and common council of each incorporated city, except where a regularly constituted board of health by statute or by ordinance of such city exists or may hereafter be created, shall constitute a board of health ex officio, for each county and city, respectively, of the State, whose duty it shall be to enforce the rules and regulations of the State board of health and such other rules and regulations of the county or city board of health as are provided by the State board of health, and perform such other duties as may from time to time be required of them by the State health officer pertaining to the health of the people. They shall elect a secretary, who shall be in possession of a license issued to him by the State board of medical examiners, who shall be the health officer of the appointing board when so commissioned by the State board of health, and he shall hold his office for the term of two years, or unless sooner terminated as hereinafter provided. The compensation of all county and city health officers shall be prescribed by the board appointing him or to which he belongs, and the same, together with his necessary expenses, shall be paid by the county or city in which he serves, on the first Monday in September, December, March, and July: *Provided*, That no incorporated city or town shall pay its secretary less than \$10 per month nor county board shall pay its secretary less than \$25 per month. The State board of health shall have power to remove at any time any county, city, or town health officer for intemperance, failure to collect vital statistics, obey rules and regulations, keep records, make reports or answer letters of inquiry, or obey orders of the State health officer concerning the health of the people. Such removal, however, shall not be made until five days' notice of the charge or charges against such health officer shall have been mailed him: *Provided*, The time and place for hearing such charges by the State board of health shall be in the county seat of the county or in the city or town of which the defendant is health officer and shall take place not later than one week after the time of mailing notice to such health officer: *Also provided*, That he may be represented by counsel: *And it is further provided*, That said health officer so removed shall not be reappointed without the consent of the State board of health. In case of death, removal, or resignation of any county or city health officer created under this act, the vacancy shall be immediately filled by the county judge and commissioners at their first meeting, or mayor and the common council, as the case may be, under the provisions of this section, who shall hold his office until the end of the term unless removed for cause as in this act provided. In case of refusal or neglect by the said county or city officers to appoint a county or city health officer for a period of thirty days following such vacancy, the State health officer shall make such appointment. The office of the secretary of the county board of health shall be at the county seat. All county or city health officers shall possess the powers of constables or other peace officers in all matters pertaining to the public health."

Pupils—Dental Inspection and Treatment of, Authorized to be Provided by School Boards in Certain Cities. (Ch. 101, Act Feb. 16, 1923)

SECTION 1. Every district school board in cities where there are enrolled and in attendance at the public schools therein not less than 25,000 pupils shall have authority to cause dental inspection to be made at least once in each school year of each pupil attending school in such district at the time of such inspection.

SEC. 2. Every such school board shall have authority to furnish necessary instruments and equipment and to provide suitable quarters in which either

dental examination or treatment in such district may be made. And such dental examination and treatment shall be scientific, sanitary, and efficient, and may be furnished by such school board free of expense to the pupils whose parents or guardians are, in the opinion of the board, unable to pay therefor: *Provided, however, That the charges, if any, made by such school board for such examination and treatment shall be fair and reasonable: Provided further, No pupil shall be required or permitted to receive such examination or treatment without the written consent of the parents or guardians of such pupil.*

SEC. 3. The result of such inspection shall be reported in writing by the person or persons, making the same to the parents or guardian of any pupil requiring dental treatment in the opinion of the person making such inspection: *Provided, however, That after receiving such report from the person or persons making the inspection the parents or guardian of any pupil requiring dental treatment as shown by such report may elect to have the necessary treatment shown in such report as being necessary for the health of such pupil performed by a dentist of their own choosing, but such dentist must supply such pupil with a certificate attesting that the work was performed in accordance with the inspection provided by such school board, and such certificate shall be made a matter of record by such school board.*

SEC. 4. No school district, or any school director, shall be liable to any pupil, or to the parents or guardian of any pupil, for or on account of any claim of any nature whatsoever for damage on account of any action of any person in connection with dental treatment hereby authorized.

SEC. 5. Every such school board shall have authority to cooperate with and share the expense of such inspection and treatment, if desirable, with any other organization or individual.

Condensed Milk, Evaporated Milk, and Substitutes for Butter—Manufacture and Sale. (Ch. 168, Act Feb. 21, 1923)

SECTION 1. It shall be unlawful for any person or corporation to manufacture for sale, sell or exchange, or expose or offer for sale or exchange, any condensed or evaporated milk, or any substance containing any milk or milk products and designed or intended to be used or capable of being used for or as a substitute for condensed or evaporated milk, unless the milk used in the manufacture thereof is pure, clean, fresh, healthful, unadulterated, and wholesome milk: *Provided, That nothing herein contained shall be construed as prohibiting the manufacture or sale of condensed or evaporated milk manufactured from pure, fresh, healthful, unadulterated, and wholesome skimmed milk; and it shall be unlawful for any person or corporation to manufacture for sale, sell or expose, or offer for sale or exchange, any condensed or evaporated milk containing any vegetable fat.*

SEC. 2. It shall be unlawful for any person or corporation to manufacture for sale, sell or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk product and designed or intended to be used, or capable of being used, for or as a substitute for butter, unless the milk contained therein, or used in the manufacture thereof, is pure, clean, fresh, healthful, unadulterated, and wholesome milk from which none of the cream or butterfat has been removed, or to manufacture for sale, sell or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk products and designed or intended to be used, or capable of being used, for or as a substitute for butter, which contains any vegetable fat.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$100, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, at the discretion of the court; and for each subsequent violation hereof such person thereof having been previously convicted of the violation of any of the provisions of this act shall, upon conviction, be punished by a fine of not less than \$100 and not exceeding \$500, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, at the discretion of the court.

Ice Cream—When Deemed Adulterated—Definitions and Standards. (Ch. 41, Act Feb. 10, 1923)

SECTION 1. That section 8708, Oregon Laws, be, and the same is hereby, amended to read as follows:

"SEC. 8708. *Ice cream defined.*—Ice cream shall be deemed adulterated, within the meaning of this act, if it shall not conform to the following definitions and standards:

"(a) Ice cream is the frozen product made from pure, wholesome, sweet cream, sweet butter, or sweet evaporated or condensed milk and sugar, with or without flavoring, and, if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 20 per cent of milk solids which must not be less than 10 per cent by weight of milk fat, and the acidity shall not exceed three-tenths of 1 per cent.

"(b) Fruit ice cream is the frozen product [made] from pure, wholesome, sweet cream, sweet butter, or sweet evaporated or condensed milk, sugar, and sound, clean, mature fruits, and, if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 18 per cent of milk solids which must not be less than 8 per cent by weight of milk fat.

"(c) Nut ice cream is the frozen product made from pure, wholesome, sweet cream, sweet butter, or sweet evaporated or condensed milk, sugar, and sound, nonrancid nuts, and, if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 18 per cent of milk solids which must not be less than 8 per cent by weight of milk fat."

Containers of Dairy Products—Required to be Cleaned, Sterilized, and in Sanitary Condition when Previously Used as Containers of Other Products. (Ch. 42, Act Feb. 10, 1923)

SECTION 3. It shall be unlawful for any person engaged in the collecting, bottling, storing, transporting, delivering, or vending of milk, cream, ice cream, skimmed milk, compounded milk drinks or other dairy products to use as a container of such milk, cream, ice cream, skimmed milk, compounded milk drinks or other dairy products, any can, bottle, bottle crate, or other container which shall have been previously used as a container of other products until thoroughly cleansed, sterilized, and in a sanitary condition.

SEC. 6. Justice courts, district courts, and municipal courts sitting as justice courts shall have concurrent jurisdiction with the circuit courts in all prosecutions arising under the provisions of this act.

SEC. 7. The dairy and food commissioner shall keep such records and make such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 8. Any person violating any of the provisions of this act, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of not less than ten days nor more than six months, by a fine of not less than \$5 nor more than \$50, or by both such fine and imprisonment; and every act of refilling, buying, selling, or other unlawful use of, or traffic in, such cans, bottles, bottle crates, or other containers shall be deemed a separate offense under the provisions of this act.

Food Establishments—Sanitary Requirements—Procedure when Insanitary Conditions Exist in—When Insanitary Conditions Deemed to Exist in. (Ch. 166, Act Feb. 21, 1923)

SECTION 1. That section 8734, Oregon Laws, be, and the same is hereby, amended to read as follows:

"Sec. 8734. *Buildings must be kept sanitary and healthful.*—Every building, room, basement, or cellar occupied or used as bakery, confectionery, cannery, packing house, bottling house, slaughterhouse, restaurant, hotel, dining car, grocery, meat market, dairy, creamery, butter factory, cheese factory, or other places used for the preparation for sale, manufacture, packing, storage, sale, or distribution of any food shall be properly lighted, drained, plumbed, ventilated, and kept and maintained in a clean, healthful, and sanitary condition, and any failure to comply with the above conditions shall be deemed a violation of this act."

SEC. 2. That section 8735, Oregon Laws, be, and the same is hereby, amended to read as follows:

"Sec. 8735. *Unclean, unhealthful, and insanitary conditions shall not exist.*—Whenever it is determined by the dairy and food commissioner, his deputy or inspector, that any floor, side wall, ceiling, locker, closet, furniture, receptacle, implements, or machinery of any establishment or place where food intended for sale or distribution is manufactured, packed, stored, sold, or distributed, or any truck or vehicle used in the transportation of food products is kept in an unclean, unhealthful, or insanitary condition, the dairy and food commissioner, his deputy or inspector, shall notify the owner or person in charge of such establishment or

place where such food is manufactured, packed, stored, sold, or distributed that such establishment, place, truck, or vehicle shall not be used for the purpose of manufacturing, packing, storing, selling, or distributing food until such establishment, place, truck, or vehicle is put in a sanitary condition by making the changes ordered by the dairy and food commissioner, his deputy or inspector, in said notice, and shall post a notice upon such establishment, place, truck, or vehicle found in an unclean, unhealthful, or insanitary condition, to the effect that the same is condemned for further use on account of such unclean, unhealthful, or insanitary condition, which notice shall not be removed from any such establishment, place, truck, or vehicle until the same has been put in a sanitary condition. A continued use of such establishment, place, truck, or vehicle, without making the changes ordered by the dairy and food commissioner, his deputy or inspector, or unauthorized removal of such notice, shall be deemed a violation of this act.

"*Unclean, 'unhealthful, 'insanitary, defined.*—Unclean, unhealthful, and insanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution, or transportation is not securely protected from flies, dust, dirt and, as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; or if the refuse, dirt, and waste products, subject to decomposition or fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, and transporting of foods are not removed daily; or if all trunks, trays, boxes, baskets, buckets, or other receptacles, chutes, platforms, racks, troughs, shelves, and all knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, mixing, chopping, canning, and all other processes are not thoroughly cleaned daily; or if proper toilet and lavatory facilities are not provided for employees, or not maintained and kept in a clean and sanitary condition, or if the clothing and persons of operatives, employees, clerks, or other persons therein employed is [are] unclean. The placing of vinegar or other liquid, used as food or drink, in open vessels without covering the same is unlawful. The use of secondhand bottles for vinegar or other liquids used as food or drink is unlawful, unless the same are first sterilized with live steam."

Hotels and Restaurants—Sanitary Requirements—Employees. (Reg. Bd. of H., Aug. 23, 1923.)

The proprietor of every hotel and restaurant in the State of Oregon shall keep the same clean and in a sanitary condition.

No finger bowl, glass, cup, spoon, fork, or other utensil used for the public shall be again used unless the same has been thoroughly cleansed and scalded with clean boiling water or otherwise sterilized.

Every hotel and restaurant must be provided with pure water, and the use of the common drinking cup is prohibited.

The use of the roller towel is prohibited.

No person affected with any communicable disease shall handle food or food products. No person who resides, boards, or lodges in a household who comes in contact with any person affected with diphtheria, epidemic or septic sore throat, smallpox, typhoid fever, infantile paralysis, scarlet fever, epidemic cerebrospinal meningitis, amebic or bacillary dysentery, shall handle food or food products intended for sale.

In all communities where a system of waterworks and sewerage is maintained for public use, every hotel, resort, or restaurant shall be equipped with suitable water-closets for the accommodation of guests. In all towns and villages not having a system of waterworks and sewerage, hotels, summer resorts, and restaurants shall have properly constructed privies, or flush toilets with properly constructed septic tanks, as approved by the State board of health, the same to be kept in a sanitary condition at all times.

Habit-Forming Drugs—Possession, Sale, or Dispensing. Drug Addicts—Deemed to be Vagrants. (Ch. 27, Act Feb. 8, 1923)

SECTION 1. That section 8645, Oregon Laws, be, and the same is hereby, amended to read as follows:

"SEC. 8645. *Sale of cocaine, opium, morphine, etc., prohibited without prescription; form of prescription; penalty.*—It shall be unlawful for any person, firm, or corporation to vend, sell, furnish, or give away, or cause to be vended, sold, fur-

nished, or given away, or offer to sell, vend, furnish, or give away, or cause to be offered to be vended, sold, furnished, or given away, or to have in his or their possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, cannabis indica, sometimes known as "Indian hemp," or chloral hydrate, or any of the salts, derivatives, or compounds of the foregoing substances, or any preparation or compound contained in or containing any of the foregoing substances or their salts, derivatives, or compounds, excepting upon the written order or prescription of a physician or dentist, or veterinary surgeon licensed to practice in this State, which order or prescription shall be dated and shall contain the name of the person for whom prescribed written in by the person writing such prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed. No copy or duplicate of such written order shall be made or delivered to any person, but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of filing thereof: *Provided*, That the within provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to pharmacists: *And further provided*, That the within provisions shall not apply to preparations sold or dispensed without a physician's prescription containing less than 2 grains of opium, or one-fourth grain of morphine, or one-half grain of codeine, or one-sixth grain of heroin, or one-sixth grain of cocaine, or one-sixth grain of eucaine, or 4 grains of cannabis indica, or one-sixth grain of beta eucaine, or 10 grains of chloral hydrate in 1 fluid ounce; or, if a solid preparation, in 1 avoirdupois ounce: *And further provided*, That the above provisions shall not apply to the sale or compounding of remedies used for veterinary purposes and liniments. Any person who shall be found guilty of vending, selling, furnishing, giving away, or causing to be vended, sold, furnished, or given away, or of offering to sell, vend, furnish, or give away, or of causing to be offered to be vended, sold, furnished, or given away, any of the substances, preparations, or compounds above listed, shall be deemed guilty of a felony and shall be punished by a fine of not less than \$200, nor more than \$1,000, and by imprisonment in the State penitentiary for not less than one year nor more than ten years. Any person convicted of having unlawful possession of any of the substances, preparations, or compounds listed above shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$1,000, and shall be imprisoned in the county jail for not less than thirty days nor more than one year, or by imprisonment in the State penitentiary for not less than one year nor more than seven years."

SEC. 2. Any person who is an habitual user of any of the drugs or substances mentioned in section 8645, Oregon Laws, as amended by this act, except as authorized by said section, shall be deemed to be a vagrant, and upon conviction thereof shall be punished as provided by law for the punishment of vagrancy.

Habit-Forming Drugs—Enforcement of Laws Regulating or Prohibiting the Sale of. (Ch. 116, Act Feb. 17, 1923)

SECTION 1. That all special funds provided by law for the enforcement of the liquor laws of the State of Oregon shall be available, under the direction of the governor of the State, for the enforcement of the laws of this State regulating or prohibiting the sale of narcotic drugs, and it shall be the duty of all officers, agents, and inspectors authorized by law to enforce the liquor laws of this State to likewise enforce the laws of this State regulating or prohibiting the sale of narcotic drugs.

SEC. 2. Any provision by law for setting apart for law enforcement funds fines collected for violation of the liquor laws of this State shall, unless otherwise provided therein, also apply in like manner and in like proportions to fines collected for violation of the laws of this State regulating or prohibiting the sale of narcotic drugs, but the maximum amounts of such funds shall be as fixed in such laws providing for funds to enforce liquor laws.

Tuberculous Cattle—Payments to Owners of Destroyed Animals. (Ch. 215, Act Feb. 23, 1923)

SECTION 1. That section 9138 of Oregon Laws, as amended by chapter 282, General Laws of Oregon for 1921, be, and hereby is, amended to read as follows:

"SEC. 9138. *Notice of hearing; amount of indemnities.*—If the said county court, upon examination of the certificates filed as aforesaid, and of the affidavit of the claimant and any other evidence that may be presented, shall find the claim is regular and the facts therein set up are true, and that the claimant is entitled to indemnity as herein provided, the county court shall make an order allowing to the claimant as indemnity money one-third of the deficit between the salvage money derived from the sale of the carcass, if such there be, and the appraised value, for the two years ending December 31, 1924, and thereafter one-fourth of of the deficit between the salvage money derived from the sale of the carcass, if such there be, and the appraised value: *Provided*, That in no case shall the county court be required to make an order and pay any deficiency that will make the total amount received by the owner from the State and county more than \$20 for any grade cow or heifer of 1 year of age or over, up until December 31, 1923, after which date the maximum amount for any grade cow or heifer of 1 year of age or over shall be \$18 up until December 31, 1924, after which date the maximum amount for any grade cow or heifer of 1 year of age or over shall be \$14 up until December 31, 1925, after which date the maximum amount for any grade cow or heifer of 1 year of age or over shall be \$10 up until December 31, 1926, after which date the maximum amount for any grade cow or heifer of 1 year of age or over shall be \$5; or more than \$40 for any registered cow, heifer, or bull up until December 31, 1923, after which date the maximum amount for any registered cow, heifer, or bull shall be \$35 up until December 31, 1924, after which date the maximum amount for any registered cow, heifer, or bull shall be \$30 up until December 31, 1925, after which date the maximum amount for any registered cow, heifer, or bull shall be \$25 up until December 31, 1926, after which date the maximum amount for any registered cow, heifer, or bull shall be \$20, registered in any registry of blooded stock recognized by the Bureau of Animal Industry of the United States Department of Agriculture; steers, grade, and castrated bulls are declared to be ineligible for the indemnity provisions herein provided for.

"One-half of said amount allowed as indemnity shall be paid upon order of the county court out of the general funds of the county. The county court shall transmit to the secretary of state a certified copy of its findings as to the amount of indemnity payable to the claimant, and the secretary of state shall then issue his warrant upon the State treasurer, in favor of the claimant, for the remaining one-half of the indemnity allowed, which shall be paid out of the moneys appropriated under this act. The right to indemnity shall not exist nor shall payment be made in either of the following cases:

"1. For animals owned by the United States, this State or any county, city, town or village in this State.

"2. For animals brought into this State contrary to the provisions of this act, or where the owner of this animal or the person claiming compensation has failed to comply with the provisions of the same.

"3. When the owner or claimant at the time of coming into possession of the animal knew or had good reason to believe it to be afflicted with a contagious or infectious disease.

"4. When the animal slaughtered was diseased at the time of its arrival in this State.

"5. When the owner shall have been guilty of negligence or had willfully exposed such animals to the influence of a contagious or infectious disease.

"6. When the animal slaughtered shall have been brought into this State within one year prior to such slaughter, unless the owner or the person in charge shall produce the certificate of the duly qualified veterinary surgeon who is a graduate of a reputable veterinary college, issued within ten days of the date of the importation, showing such animal to be free from tuberculosis at the time of its arrival in the State.

"7. When the animal was previously affected with any other disease which from its nature was incurable and necessarily fatal or which was in a dying condition when offered for slaughter.

"8. For animals which have not been submitted for slaughter within thirty days of date of appraisal unless a condition of advanced pregnancy or emaciation due to a lack of sufficient food make the holding of the animals until after

the birth of the calf or an improvement of physical condition advisable. In no instance is such a period of time extension to be greater than ninety days from date of appraisal."

Births and Deaths—Division of State into Registration Districts—Certain Local Health Officers to be Local Registrars. (Ch. 66, Act Feb. 13, 1923)

SECTION 1. That section 8487, Oregon Laws, be, and the same is hereby amended so as to read as follows:

"SEC. 8487. *State divided into registration districts.*—That for the purpose of this act the State shall be divided into registration districts as follows: Each city and incorporated town of 2,000 population and over, and each county with a population of less than 5,000 inhabitants, exclusive of the cities of 2,000 population, shall constitute a primary registration district, and each county, exclusive of the portion included within cities and incorporated towns, as above provided, shall be subdivided by the State registrar into districts in such manner as may appear necessary for the convenience of the people, and each such district shall constitute a primary registration district, and each primary registration district shall be numbered by the State registrar."

SEC. 2. That section 8488, Oregon Laws, be, and the same is hereby, amended so as to read as follows:

"SEC. 8488. *Health officers of certain cities to be local registrar.*—The health officer of each city and incorporated town of 2,000 population and over shall be the local registrar in and for such primary registration district, and shall perform all the duties of local registrar as hereinafter provided: *Provided, however,* He shall receive no additional compensation therefor. The health officer of each county of less than 5,000 population, exclusive of the cities of 2,000 population, shall be the local registrar in and for such registration district, and shall perform all the duties of local registrar as hereinafter provided: *Provided, however,* He shall receive no additional compensation therefor."

Bedding—Manufacture, Repair, Labeling, Inspection, and Sale. (Ch. 268, Act Feb. 26, 1923)

SECTION 1. The term "bedding" is defined to include any mattress, upholstered surface or spring, comforts, pad, cushion, bag, pillow, or any other such soft article which supports the body in sleeping or resting.

SEC. 2. The word "person" implies individuals, partnerships, companies, corporations, societies, associations or others of any gender, as the case may be.

SEC. 3. No person shall at wholesale, or retail, directly or indirectly, make or repair, sell, offer for sale, deliver, rent, consign, lease, or otherwise commercially dispose of or have in his possession with intent to dispose of any article of bedding not plainly and indelibly labeled with a cloth or cloth-lined tag, not smaller than 3 inches square, securely sewed at least on one edge into the outseams of the article, truthfully setting forth in the English language its contents, weight, measurements, amounts by weight of each kind of material, whether new, shoddy, or waste or secondhand, in whole or in part, used in its manufacture, with the name and address of the manufacturer or vendor thereof, or both. All invoices or other instruments of delivery shall set forth the true description of the merchandise that passes, as enumerated on the labels. Example: "—6-35 lb. Prime Java-Kapok 4/4 Mattresses, @ 15.00—90.00."

SEC. 4. When waste, secondhand materials, or shoddy are used in the repair or manufacture of any article of bedding they must be enumerated on a yellow label in type not smaller than one-fourth inch face, and such materials must be sterilized by the process approved by the State board of health, said process defining all such materials to be sterilized.

SEC. 5. No person shall dispose of as set forth in section 3 any article of bedding which has been previously used or subject to contamination which has not been sterilized as set forth in section 4 and labeled as set forth in sections 3 and 4 as secondhand material, giving date of sterilization.

SEC. 6. No person shall dispose of as set forth in section 3, or otherwise, any article of bedding or material therefrom that has been used by or about any person having any infectious or contagious disease or by any private or public hospital or sanitarium on land or water or which has been thrown away with garbage or other waste material.

SEC. 7. No person shall dispose of as set forth in section 3 any material or product which is in whole or in part secondhand or waste or shoddy which might enter into any article of bedding unless he so labels by tag or otherwise each

parcel, package, box, or container setting forth the true contents thereof, with the name of the vendor, and also the invoice or other instrument of delivery or sale shall be the true name or description of the material which passed.

SEC. 8. The general form of label covered by this act to be as follows:

This article is made in compliance with the act of the State of Oregon, approved — day of —, 19—.

MATERIALS USED IN MANUFACTURE

Manufactured of —.

All new material.

Secondhand material, waste material, shoddy.

Remade of owner's material with — pounds new or secondhand.

Covering—New or secondhand.

Grade — ounce sheeting —, drill —, sateen, etc.

15 pounds prime Java-kapok } Gross weight 42 pounds

25 pounds cotton linters felted.

40 pounds staple cotton felted.

40 pounds white hair, etc.

(Name of maker or vendor)

SEC. 9. No person other than a purchaser for his own use shall remove or cause to be removed, defaced, concealed, changed, or altered any label or tag or its markings or statements on any article of bedding.

SEC. 10. No person shall use any terms or other description on any label or tag upon any article of bedding which is likely to mislead or cause inference by the purchaser of any but the truthful contents of same, or use other than the standard definition, practice, or terms of classification, where a standard classification exists concerning any commodity.

SEC. 11. It shall be the duty of the State sealer of weights and measures to supervise and inspect, according to the terms of this act, and to enforce the provisions thereof.

SEC. 12. Any person engaged in the manufacture of any article of bedding or handling in any way any of the articles as set forth in section 3, or any of the materials that enter into any article of bedding, shall be subject to supervision and inspection by any deputy duly appointed for the enforcement of this act and shall furnish any information that said deputy may deem necessary in the performance of his duty in the enforcement of the act, and he shall admit said deputy to his premises or any part thereof.

SEC. 13. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25 nor more than \$1,000, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment. The unit for each separate offense shall be each and every article of bedding as set forth in section 1.

SEC. 14. All persons engaged in the making and repairing of any article of bedding must apply to the State sealer of weights and measures for a permit to be issued upon the payment of a \$25 yearly fee and agree to conduct said business in a sanitary manner and in compliance with this act, said permit to be revocable at any time after thirty days' notice, should evidence of violation or insanitary conditions be apparent to the inspector. The fees so collected shall be paid over promptly to the State treasurer and placed by him in the general fund, and the expenses of the State sealer of weights and measures incurred in carrying out the provisions of this act shall be audited and paid in the same manner as other expenses of said office are audited and paid, but such expenditures shall never be in excess of the fees so collected and paid into said fund.

SEC. 15. The State sealer of weights and measures or his deputy shall sample or open in any way for inspection at any time or place any article of bedding or material he has reason to believe is in violation of this act and, upon examination, should he still be in doubt as to the true nature of the material or article, he shall consult invoices or other instruments or records he may see fit, held by any person, containing any information pertaining to the article or material in question.

SEC. 16. The State sealer of weights and measures, with the concurrence of the State or local health officer, is hereby authorized and empowered to condemn and destroy any article of bedding described in section 3 of this act which is not labeled as therein provided or which in their judgment is insanitary.

SEC. 17. Any person or individual who has reason to believe that this act is being violated shall report the facts to the district attorney, whose duty it shall be to institute immediate proceedings for the enforcement of this act.

SEC. 18. *Definitions.*—For the purpose of this act, "shoddy," "waste," and "second hand" are hereby defined as follows: "Shoddy" shall embrace all

materials resulting from the disintegration of any old fabric. "Waste" shall embrace all discarded materials from mills, garbage, sweepings, waste, receptacles, or other possibly contaminated materials. Wastes which are by-products of machines at mills using new raw materials are excepted when free from contamination. "Second hand" shall embrace all material which has been previously used in bedding or otherwise, or material which possibly has been contaminated.

SEC. 19. Sections 8279 and 8282, Oregon Laws, both inclusive, and all acts or parts of acts inconsistent herewith are hereby repealed.

Mental Defectives, Habitual Criminals, Moral Degenerates, and Sexual Perverts—Sterilization. (Ch. 194, Act Feb. 24, 1923)

SECTION 1. *State board of eugenics; how constituted; secretary.*—There is hereby established and constituted for the State of Oregon a "State board of eugenics," which shall be composed of the State board of health, the superintendent of the Oregon State Hospital, the superintendent of the Eastern Oregon State Hospital, the superintendent of the State Institution for Feeble-minded [and] the superintendent of the Oregon State Penitentiary, whose duties shall be as hereinafter defined. The secretary of the State board of health shall serve as the secretary of said board, and the members of said board shall serve without compensation.

SEC. 2. *Quarterly reports to, by superintendents of State boards.*—It shall be, and it is hereby declared, the duty of the superintendent of the Oregon State Hospital, the superintendent of the Eastern Oregon State Hospital, the superintendent of the State Institution for Feeble-minded and the superintendent of the Oregon State Penitentiary and the State health officer to report quarterly, on the 1st of January, April, July, and October, to the State board of eugenics all persons, male or female, who are feeble-minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts, who are, or in his opinion are likely to become, a menace to society.

SEC. 3. *Examination of persons reported; sterilization.*—It shall be the duty of the State board of eugenics to examine into the innate traits, the mental and physical conditions, the personal records and the family traits and histories of all of the persons so reported, so far as the same can be ascertained, and for this purpose said board shall have the power to subpoena witnesses, which subpoena shall be issued by said board and served in like manner and with like effect as subpoenas in criminal cases in the circuit court, and any member of said board may administer an oath to any witness whom it is desired to examine in such proceeding; and if in the judgement of a majority of said board procreation by such person would produce a child or children having an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality or degeneracy, or who would probably become a social menace or ward of the State, and there is no probability that the condition of such person so investigated and examined will improve to such an extent as to avoid such consequences, then it shall be the duty of such board to make an order embodying its conclusions with reference to such person in said respects and specifying such a type of sterilization as may be deemed by said board best suited to the condition of said person and most likely to produce the beneficial results in the respects specified in this section.

SEC. 4. *Written findings; record of; service of copy.*—After fully inquiring into the condition of each of such persons, said board shall make separate written findings and conclusions for each of the persons into whose condition it has examined, including its findings, conclusions and order thereon as herein provided, and the same shall be preserved in the record of said board and a copy thereof shall be furnished to the official who reported the case, and if an operation be deemed necessary by said board for such person so investigated, then a copy of the order of said board recommending such operation shall be served forthwith on said person, or in the case of an insane or feeble-minded person, upon his legal guardian, and if such person have no legal guardian, then upon his nearest known kin, or personal friend, within the State of Oregon, and if such person have no known kin or personal friend, within the State of Oregon, then upon the custodian guardian of such insane person.

SEC. 5. *Purpose and objects to be sought.*—Said investigation, findings, and orders of said board shall be made with the purpose in view of securing a betterment of the physical, mental, neural or psychic condition of the person, or to protect society from the acts of such person, or from the menace of procreation by such person, and not in any manner as a punitive measure.

SEC. 6. *Operations to be performed by consent of persons concerned.*—If any person, whose condition has been examined and reported upon by said board as hereinbefore provided, shall consent in writing to have the operation specified in the order of said board performed, such operation shall thereupon be performed upon said person by or under the direction of the superintendent of the institution in which he is confined, if such person be an inmate of any of the State institutions herein mentioned, or if he is not an inmate of any of said institutions, such operation shall be performed by or under the direction of the State health officer. All such operations shall be performed with due regard for the physical condition of the person upon whom it is performed and in a safe and humane manner. In case the person to be operated upon be feeble-minded or insane, the consent hereinbefore in this section mentioned shall be construed to mean not only the written consent of the person to be operated upon but, in addition thereto, the written consent of such person's legal guardian, or if such person have no legal guardian, then the written consent of such person's nearest known kin or personal friend within the State of Oregon, or if such person be insane, or feeble-minded, and have neither legal guardian nor known kin or personal friend within the State of Oregon, then the written consent of the custodian guardian of such insane or feeble-minded person.

SEC. 7. *If consent not given, trial to be had.*—If any such person shall not consent, within twenty days from the service of such order upon him, to the performance of such operation, said board of eugenics, through its secretary, or other officer having charge of its records and files, within fifteen days thereafter, or such further time as the court or judge thereof may allow, shall file a transcript of its proceedings and of its said findings, conclusions and order with reference to said person with the county clerk of the county in which such person resides or may be found. Upon the filing of such findings, conclusions and order with the county clerk, he shall issue a summons directed to such person and deliver the same to the sheriff, together with a copy of such order prepared and certified by him, and it shall be the duty of said sheriff to forthwith serve said summons and copy of order upon said person therein named, who shall be required, within twenty days after such service upon him, to enter his appearance in writing with the county clerk in such case or by appearing in person before said clerk, who shall thereupon enter the appearance of such person in such proceeding. If he be an insane or feeble-minded person such appearance may be made by his guardian, if he have one; if not, then by his nearest of kin or near friend. If he be in any other state institution, facilities shall be furnished him for making such appearance.

SEC. 8. *Court procedure.*—The issue thereby raised shall be whether the findings and conclusions of said board shall be affirmed by the court, and shall be tried in the circuit court of such county as a special proceeding in the same manner as a civil action at law in which the State of Oregon shall be the plaintiff and the person so summoned shall be the defendant. Each party shall have the same rights as to production of evidence and the case shall be tried in the same manner as any other civil action. In all such cases the district attorney of the county where such proceedings are tried shall appear and prosecute such action on behalf of the State. If the defendant has no attorney and he is unable to secure one, the court shall appoint an attorney from the membership of the bar of said county to conduct his defense, and appeal, if any, be taken as hereinafter provided, and such attorney shall be compensated by the State, upon order of the court. Upon the request of either party to such proceeding all questions of fact shall be tried by a jury, and the court in every instance shall have the testimony fully reported at the expense of the State.

SEC. 9. *Enforcement of judgment.*—If the findings and conclusions of the board of eugenics shall be affirmed by the court, the defendant shall be immediately placed in custody by the sheriff of said county, and may be admitted to bail by the court, who shall fix the amount of such bail, and if not so admitted to bail, shall be held until the operation provided in such findings be performed.

SEC. 10. *Appeal to supreme court; manner; time.*—Either party to said proceedings may take an appeal from the circuit court to the supreme court of this State in the same manner and within the same time, and with like effect, as appeals in other civil actions are taken, and such case shall be tried in the supreme court in the same manner as other appeals in actions at law. If the

defendant be represented by an attorney appointed by the court, as hereinabove in section 8 provided, and, in the opinion of the court, is financially unable to meet his part of the expense of an appeal, the defendant's actual and necessary expense of such appeal and prosecution thereof to final decree by the supreme court shall be paid by the State upon order of said circuit court.

SEC. 11. *Expenses; State liability.*—The State shall be liable, under this act, except as hereinabove provided for, only for the actual traveling expenses of the members of the board incurred in the performance of their duties, and the actual and necessary expense incident to the investigations of said board on appeal therefrom.

SEC. 12. Nothing in this act shall be construed to empower or authorize the board of eugenics, or its representatives, or the State health officer, or his representatives, or the superintendent of any of the four institutions mentioned in sections 1 and 2 of this act, or his representatives, to interfere in any manner with the individual's right to select the physician of his choice: *Provided*, That such physician is in the judgment of the board of eugenics competent to perform such operation; nor to interfere with the practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means: *Provided*, Such practice, treatment, or administration shall not in any way interfere with the operation of this act and the carrying out of its purposes.

SEC. 13. That sections 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 8448, 8449, 8450, 8451, 8452, 8453, 8454, 8455, 8456, 8457, 8458, 8459 be, and the same are hereby, repealed.

PENNSYLVANIA

Communicable Diseases—Specific Enumeration—Declaration by State Department of Health that Other Diseases not Specified Are Communicable, Quarantinable, and Reportable—Reports of Cases—Quarantine—Placarding—Adoption and Effect of Regulations by State Department of Health—School Records to Contain Information Regarding Exclusion and Readmittance of Persons—Furnishing of Blanks for Making Reports and Certificates—Daily Notices to School Authorities by Health Authorities—Regulations by Local Health Authorities Authorized—Weekly Reports by Local Health Authorities to State Department of Health. (No. 341, Act June 28, 1923)

SECTION 1. That the following diseases are hereby specifically declared to be communicable, to wit: Actinomycosis, anterior poliomyelitis (infantile paralysis), anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (bacillary or amebic dysentery), erysipelas, German measles, glanders (farcy), rabies (hydrophobia), impetigo contagiosa, leprosy, malarial fever, measles, mumps, pellagra, pneumonia (true), puerperal fever, relapsing fever, scabies, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, paratyphoid fever, typhus fever, uncinariasis, whooping cough, or yellow fever.

The department of health may, when it deems it necessary to safeguard human life and health, declare as communicable diseases additional to those hereinbefore specifically so declared, but only in the following manner, that is to say:

The secretary of health shall call a meeting of the advisory health board, five days' written notice of which shall be sent to each member of the board. The notice shall state the time and place of meeting and the fact that a proposed regulation will be presented declaring a certain disease or diseases—setting it or them forth by name—to be communicable. The notice shall also state such of the diseases as should, in the opinion of the secretary of health, be quarantinable or reportable, or both, and the quarantine period therefor.

Upon the affirmative vote of four members of the advisory health board personally present, any disease or diseases set forth in the proposed regulation is or are hereby declared communicable, with the same force and effect as if expressly enumerated in this act. Any such disease is hereby further declared quarantinable or reportable, or both, as may be provided in the regulation, with the force and effect hereinbefore referred to.

The regulation may be amended at such meeting so as to eliminate some or any of the diseases set forth in the notice, but no disease shall be declared communicable which is not contained in the notice.

Every physician practicing in any portion of this Commonwealth who shall treat or examine any person suffering from or affected with any disease herein specifically declared communicable and reportable, or by regulation declared communicable and reportable, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class not having a board of health or body acting as such, to the health officer appointed by the department of health for such district; upon blanks for that purpose, in which report he shall, over his or her own signature, state the name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such information relating to said case as may be required by said health authorities and the department of health.

SEC. 2. Upon receipt by the health authorities of any township of the first class, borough, or city, or by the health officer of the department of health, of a report of the existence of a case of anterior poliomyelitis (infantile paralysis), bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), German measles, leprosy, measles, mumps, scarlet fever (scarlatina, scarlet rash), smallpox, (variola, varioloid), typhoid fever, paratyphoid fever, typhus fever, whooping cough, yellow fever, or any diseases declared communicable and quarantinable by regulation as hereinbefore provided, the said health authorities, or health officer or medical representative of the department of health, as the case may be, shall quarantine or cause to be quarantined, in the manner prescribed by the rules or regulations of the department of health or of the local health authorities, the premises in which such disease exists and any person or persons who has or have been exposed thereto, or any person or persons who, in the opinion of the attending physician, health authorities, or a medical representative of the department of health, is or are reasonably suspected of having such disease, by quarantining such person or persons either upon the premises in which the disease exists or in a place designated in this State for the isolation, control, and treatment of communicable disease, in the manner prescribed by the rules and regulations both of the said health authorities and the department of health; and shall post or cause to be posted, in a conspicuous place or places upon the premises in which the said disease may be located, a placard or placards, upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is or are suffering, with the warning that said premises are under quarantine, that no person or persons other than the attending physician and trained nurse shall enter or leave the said premises, except by permission of the health authorities, and setting forth the penalties prescribed by this act for violations of quarantine: *Provided*, That, in the case of a person or persons suspected of suffering from disease or diseases of the generative organs, no quarantine shall be established or caused to be established by health officers or representatives of the department of health until it is reasonably certain, from personal examination or laboratory tests or from evidence which has been furnished to the department of health or to any board, bureau, or department of health, that the person or persons is or are suffering from diseases of the generative organs, but this proviso shall not prevent the quarantine of persons known to be prostitutes and reasonably suspected of suffering from diseases of the generative organs and of being a menace to the health of a community: *Provided further*, That variola or varioloid shall be placarded as "smallpox," and that diphtheritic croup, membranous croup, and putrid sore throat shall be placarded as "diphtheria," that scarlatina and scarlet rash shall be placarded as "scarlet fever," and that paratyphoid fever shall be placarded as "typhoid fever": *Provided further*, That in addition to the placarding, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over the said house or houses or premises.

SEC. 3. That the said placards shall remain in place until the expiration of the quarantine period fixed by the local health authorities and the department of health and the recovery, death, or removal of the person or persons affected; and shall only be removed by the health officer after the destruction or disinfection of infected bedding, clothing, and other articles which have been exposed to infection, and the disinfection of rooms, premises, and inmates, as may be prescribed by the regulations of local health authorities or the department of health.

SEC. 4. The department of health, with the consent and approval of the advisory health board, shall determine the duration of the quarantine to be imposed for each of the diseases mentioned in section 2 of this act, and for such others as may at any time be declared reportable and quarantinable in accordance with its provisions, the period of isolation of those suffering from the communicable diseases, and the duration of the quarantine or degree of restraint to be placed upon those who have been exposed to a communicable disease, and shall make such further regulations looking to the prevention and the spread of the communicable diseases as may be deemed necessary for the protection of the public health.

The call for a meeting of the advisory board, to formulate quarantine regulations, shall be in writing to each member of the said board. The notice shall antedate the meeting by at least five days, and it shall contain a copy of the proposed regulations. Upon the affirmative vote of four members of the advisory health board personally present, the proposed regulations, when properly

promulgated as now or hereafter provided by law, shall become effective with the same force as if expressly set forth in this act.

SEC. 5. The registry of all public, private, parochial, Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto agreeably to the provisions of the regulations of the department of health and local health authorities or any act of assembly; and said register shall be open at all times to the inspection of the city, borough, or township authorities, and the department of health, and their respective officers and agents.

SEC. 6. Blanks whereon to make the reports and certificates required by this act or the regulations of the department of health shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the department of health.

SEC. 7. It shall be the duty of the health authorities of cities, boroughs, and townships of the first class, respectively, to furnish to persons in charge of public, private, parochial, Sunday, or other schools, a daily notice, containing the name, location, and disease of all persons suffering from any quarantinable disease, upon receipt by them of reports of such cases from physicians as required by section 1 of this act; and such notice shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the health officer for the department of health.

SEC. 8. The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered to, establish additional rules and regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases comprehended by section 1 of this act, and for the destruction or disinfection of bedding, clothing, or other infected article, and for the disinfection of houses and premises, and for the carrying out of the provisions of this act and the regulations of the department of health, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the department of health.

SEC. 9. The health authorities of the several cities, boroughs, and townships of the first class shall, at the end of each week and for the fraction of a week occurring at the end of each month, report to the department of health, upon blanks supplied for that purpose, a list of all cases of communicable diseases comprehended by section 1 of this act which have been reported to them during said period; which report shall contain the name of each person suffering therefrom, respectively, and his or her age, sex color, and nativity, together with the name of the disease, and the date of the onset thereof; and, in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the department of health.

SEC. 10. Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases declared to be quarantinable shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not more than \$100 to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten days or more than thirty days, or both at the discretion of the court. Any person, other than the attending physician or trained nurse, who shall enter or leave any quarantined premises without having secured permission from the health authorities; or who shall violate any of the quarantine restrictions imposed by the rules and regulations of the health authorities of any city, borough, or township of the first class or the rules and regulations of the department of health; or who shall interfere with a health officer or any other duly qualified agent of the department of health or of any local board or department of health in the discharge of his official duties in the placarding, quarantining, disinfecting, or releasing from quarantine of any premises or in the investigation of any alleged case of quarantinable disease, shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine

of not more than \$100 to be paid to the use of the said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, parent, or guardian, or any other person or persons who shall fail, neglect, or refuse to comply with, or who shall violate, any regulation of the department of health or the local health authorities shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not more than \$100, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Sec. 11. The act¹ entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act and by regulation of the department of health; providing for the prevention of infection therefrom; and prescribing penalties," approved July 17, 1919 (Pamphlet Laws, p. 1010), and the act² entitled "An act to amend an act, approved the 17th day of July, 1919, entitled 'An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act and by regulation of the department of health; providing for the prevention of infection therefrom; and prescribing penalties,' by providing for quarantine in places designated for the isolation, control, and treatment of communicable diseases, by providing for the quarantine of communicable diseases upon an opinion of the attending physician, health authorities, or any medical representative of the State department of health that a reasonable suspicion of such disease exists, and granting certain powers to the advisory board," approved the 21st day of April, 1921 (Pamphlet Laws, p. 207), are hereby repealed. All acts or parts of acts inconsistent with this one are hereby repealed.

Communicable Diseases—Reports of Cases—Quarantine—Placarding—Isolation—Restrictions on Carriers of and Convalescents from Certain Diseases—Construction and Maintenance of Privies on Premises where Typhoid or Paratyphoid Fever Carriers Reside—Restrictions on Persons Residing on Infected Premises—Disinfection—Letting of Premises or Room Previously Occupied by Infected Person—Sale, Loan, Gift, Transmission, or Exposure of Articles which Have Been Exposed to Infection—Handling and Sale of Milk and Milk Products—Burial—Transportation of Infected Persons—School Attendance. (Reg. Dept. of H., Sept. 21, 1923)

SECTION 1. Reportable diseases.—1. Every physician practicing within the confines of this Commonwealth who shall treat or examine any person suffering from or affected with anterior poliomyelitis, anthrax, bubonic plague, epidemic cerebrospinal meningitis (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (bacillary or amebic dysentery), encephalitis lethargica, erysipelas, German measles, glanders (farcy), rabies (hydrophobia), leprosy, malaria, measles, mumps, ophthalmia neonatorum, pellagra, pneumonia (true), puerperal fever, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, tuberculosis in any form, typhoid fever, paratyphoid fever, typhus fever, whooping cough, yellow fever, or any disease hereafter declared by the department of health and the advisory health board to be communicable and reportable shall forthwith make a report in writing of the same to the health authorities specified and in the manner prescribed by section 1 of the act of June 28, 1923.

2. Every householder or proprietor of a hotel or lodging house having on his premises any person for whom no physician has been called and who shows an unusual skin eruption or rash or complains of sore throat or has spasms of violent coughing shall report these facts immediately to the health officer of the city, borough, or township, giving the name of the person and the location of the said premises.

¹Supplement 42 to Public Health Reports, p. 767.

²Supplement 45 to Public Health Reports, p. 477.

3. Superintendents or other persons in charge of any institution for the treatment of disease or any educational institution maintaining dormitories and living rooms, or an orphanage, shall forthwith notify in writing the appropriate health officer upon the appearance of a quarantinable disease in his or her institution and shall thereafter follow the advice and instructions of the health authorities as to measures to be adopted for controlling the outbreak of such disease; but this shall not be interpreted in any way to relieve physicians of their duty forthwith to report cases which they may treat or examine in any such institution, in the manner and form required by the act of June 28, 1923, or the regulations of this department.

SEC. 2. *Quarantine and quarantinable diseases.*—1. Quarantine is defined as the sequestration of persons, animals, or inanimate objects definitely infectious or known to have been exposed to infection for the purpose of limiting the spread of a communicable disease. It may be applied to individuals, households, or communities, and may be enforced by placing a guard or guards. It shall include the posting of a placard at one or more entrances to the quarantined premises or area which shall state the name of the disease for which the quarantine is imposed, a warning that the premises or area is under quarantine, and that none except the attending physician or physicians and the trained nurse or nurses shall enter or leave without the permission of the health authorities, and the penalty for violation of the quarantine.

2. Isolation is defined as the confining of any person suffering from a communicable disease to a room or suite of rooms, to which room or rooms there shall be access to none except the patient's attendant or physician.

3. Quarantine may be secured and enforced in the following manner:

a. By isolation of the patient in his own home with his own family.

b. By isolation of the patient in his own home separate and apart from the other members of his immediate family.

c. By removal of the patient from his own home to a place in the State provided for the care and treatment of such communicable disease or diseases.

4. Physicians, nurses, clergymen, or others with proper authority visiting the infectious sick shall, during the visit, protect their clothing and hair by a suitable covering, which may be removed upon leaving the room, and shall carefully disinfect the hands and face before leaving the premises.

5. The following diseases are declared to be quarantinable: Anterior poliomyelitis, bubonic plague, epidemic cerebrospinal meningitis (cerebrospinal fever, spotted fever), epidemic dysentery, chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), German measles, leprosy, measles, mumps, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhoid fever, paratyphoid fever, typhus fever, whooping cough, and yellow fever.

SEC. 3. *Quarantine periods.*—1. The duration of quarantine, whenever a definite number of days is specified, shall be calculated from the date of appearance of first symptoms of the disease (date of onset).

2. The quarantine period for bubonic plague, Asiatic cholera, leprosy, typhus fever, and yellow fever shall be until the recovery, death, or removal of the last person on the premises suffering from the disease.

3. The quarantine period for epidemic cerebrospinal meningitis shall be until the recovery (from all acute symptoms), death, or removal of the patient.

4. The quarantine period for anterior poliomyelitis shall be a minimum of twenty-one days or until the death or removal of the patient.

5. The quarantine period for chicken pox, measles, and German measles shall be a minimum of sixteen days or until the complete clinical recovery, death, or removal of the last person on the premises suffering from the disease: *Provided*, That the quarantine period for these diseases may be reduced to ten days or until the complete clinical recovery, death, or removal of the patient when the person suffering from the disease is the only susceptible in the household.

6. The quarantine period for diphtheria shall be a minimum of twenty-one days or until the death or removal of the patient: *Provided*, That unless the members of the household shall have received immunizing doses of antitoxin or have been shown to be immune to diphtheria by reason of a negative Schick test or toxin-antitoxin treatment, the quarantine shall continue for a period of five days from the death or removal of the patient and that the placard shall not be removed until the expiration of the said five days. The quarantine period may be reduced to not less than fourteen days whenever all members of the household shall have been given immunizing doses of antitoxin or are known to be immune to diphtheria, either by reason of negative Schick test or toxin-antitoxin treatment and

two successive cultures taken not less than twenty-four hours apart from the the patient's nose and throat shall have been reported negative.

7. The quarantine period for mumps shall be a minimum of twenty-one days or until the complete clinical recovery or removal of the last person on the premises suffering from the disease: *Provided*, Quarantine may be removed upon the complete clinical recovery or removal of the patient when the person suffering from the disease is the only susceptible in the household.

8. The quarantine period for scarlet fever shall be a minimum of thirty days or until the death or removal of the patient, and shall be continued until complete recovery from all catarrhal or purulent discharges incident or secondary to the disease: *Provided*, That the quarantine and placard shall continue for ten days after death or removal of the patient should there be susceptible persons in the household.

9. The quarantine period for epidemic dysentery shall be until the complete clinical recovery of the patient.

10. The quarantine period for typhoid fever and paratyphoid fever shall be until recovery, death, or removal, of the patient: *Provided*, That the physician's request for removal of typhoid fever and paratyphoid fever quarantine shall not be made until the patient's temperature shall have been normal for at least seven days.

11. The quarantine period for smallpox shall be a minimum of thirty days and shall continue for such additional period as may be required for the complete cicatrization of all lesions.

12. The quarantine period for whooping cough shall be a minimum of four weeks from date of onset: *Provided*, That after the third week, and with the permission of the health authorities, the patient may be taken upon the streets or highways by a competent person whose responsibility it shall be to prevent contact with individuals other than those of the immediate household.

13. Any person suffering from encephalitis lethargica, anthrax, erysipelas, or glanders shall be isolated until complete clinical recovery or death. If for any reason isolation can not be accomplished or maintained, the premises shall be placarded and the household quarantined whenever in the opinion of the health authorities the protection of the public may require it.

14. Tuberculosis, gonorrhea, chancre, and syphilis in its communicable stages are declared to be communicable diseases and to be subject to quarantine whenever in the opinion of the secretary of health or his medical representative or of the local health authorities the patient is a menace to the public health by reason of his character, occupation, habits, or his neglect of treatment and the methods designed to protect others from infection.

15. Persons known to have been exposed to diphtheria, scarlet fever, or smallpox may, when in the opinion of the health authorities it is necessary, be quarantined and the premises placarded. The following shall be the form of the placard:

WARNING—SCARLET FEVER: (DIPHTHERIA; SMALLPOX)

An inmate of this house is known to have been exposed to scarlet fever (diphtheria, smallpox) and is required to remain on the premises until released by the health authorities. Persons other than those of the household are forbidden to enter.

16. Quarantine of those exposed to the diseases mentioned shall be terminated at the end of the incubation period of the disease in question as hereinafter set forth: *Provided*, They have not developed the disease.

17. Persons known to be carriers of the following pathogenic organisms, namely, diphtheria bacilli, cholera bacilli, dysentery bacilli, typhoid bacilli, and paratyphoid bacilli, and who in the opinion of the secretary of health, his medical representatives, or of local health authorities are a menace to the public health, by reason of their character, occupation, habits, or neglect of treatment and the methods designed to protect others from infection, may be placed under quarantine until such time as they cease to be carriers as determined in the department of health laboratories or until released by order of the secretary of health.

18. Persons known to be carriers of typhoid and paratyphoid bacilli and typhoid fever and paratyphoid fever convalescents, until shown by laboratory examinations as provided for in these regulations not to be carriers, shall not change their residence without notice to the health authorities and shall not engage in any occupation involving the handling, serving, cooking, or production of foods, including milk and its derivatives, intended for public consumption. Any privy or privies on a premises on which a typhoid or paratyphoid fever carrier resides shall be screened or otherwise made flyproof and the contents of the vault shall be limed at least twice a month.

SEC. 4. *Household contacts*.—1. No child or other person residing on the same premises with a person suffering from any disease hereinbefore declared to be quarantinable shall be permitted, except with the consent of the health authorities or as may hereinafter be provided, to attend any place of amusement, church, or other public gathering or be exposed on any street or highway or in any shop, store, factory, or other place of business or attend any public, private, parochial, Sunday, or other school and the teachers of public schools and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other school are required to exclude any and all such persons—such exclusion to continue until quarantine is lifted and the premises thoroughly disinfected.

2. Any child or other person residing on the same premises in which a person is suffering from a disease hereinbefore designated as quarantinable, if immune to the disease by reason of a prior attack—the fact of such attack to be shown by records of the health authorities—may, provided nothing to the contrary is elsewhere stated in the regulations of the department of health, and with the consent of the health authorities, after taking a disinfecting bath and putting on clothing which has been disinfected or which has not been exposed to infection, remove from the quarantined premises and take up his or her residence on other premises and may then in all respects resume the contact with the public which was interrupted by the quarantine.

3. Any nonimmune child or other person residing on the same premises with a person suffering from any disease hereinbefore designated as quarantinable, after taking a disinfecting bath and putting on clothing which has been disinfected or which has not been exposed to infection, may, provided nothing to the contrary is elsewhere stated in the regulations of the department and with the consent of the health authorities, remove to other premises occupied by adults or immune children and after an observation quarantine corresponding to the incubation period of the disease in question shall be permitted to resume in all respects the interrupted contact with the public: *Provided*, That the provisions of this paragraph shall not apply to quarantine for bubonic plague, Asiatic cholera, leprosy, smallpox, or diphtheria except as may hereinafter specifically be arranged for.

4. Maximum incubation periods are declared to be:

	Days
Acute poliomyelitis (infantile paralysis) -----	14
Cerebrospinal meningitis -----	14
Chicken pox -----	16
German measles -----	14
Measles -----	14
Mumps -----	21
Scarlet fever -----	10
Smallpox -----	18
Diphtheria -----	5
Whooping cough -----	14

5. Any child or other person residing on a premises under quarantine for diphtheria, if immune as shown by a negative Schick test or by reason of toxin-antitoxin treatment, may remove to other premises and at once be relieved of further quarantine restraint; if not immune as above, he may, if given an immunizing dose of antitoxin and after taking an antiseptic bath and changing clothing, remove to other premises and after five days return to school or his usual vocation.

6. Any person residing on the same premises with a case of smallpox, if his other immunity to the disease can be established either by reason of a prior attack of the disease or successful vaccination, may, at the discretion of the health authorities, be permitted to remove from the premises, due precaution being taken to prevent the carrying of infection either on his person or clothing.

7. An immune child or children residing on a premises quarantined for measles, German measles, mumps, chicken pox, or whooping cough shall be permitted to attend school from these premises.

8. Adult members of a household under quarantine for measles, German measles, whooping cough, chicken pox, or mumps shall not be restricted in their necessary going to and from the premises provided ordinary care is taken to prevent the carrying of infection, either on their persons or clothing.

9. Any child or other person residing on a premises in which exists a case of typhoid fever, paratyphoid fever, dysentery, anthrax, glanders, encephalitis lethargica, or erysipelas shall not be restricted in his or her attendance at school or other vocation: *Provided*, The patient is properly isolated and measures for the protection of the other members of the household from infection are faith-

fully observed. When such precautions do not obtain, the household shall be placed under quarantine: *And provided further*, That no person residing on a premises in which a case of typhoid fever, paratyphoid fever, or dysentery exists shall be permitted to engage in the sale or handling of milk or in the sale, handling, or manufacture of milk products or in any food-handling establishment whatsoever.

10. No physician or other person, except the health officer or other representative of the health authorities shall grant permission for any person to remove from a quarantined premises or a premises about to be quarantined.

11. Health officers shall grant permission to the wage earner in households quarantined for diphtheria or scarlet fever, when isolation of the patient is maintained and the wage earner does not come in direct contact with the patient's attendant, to enter and leave the premises for the purpose of following his vocation: *Provided*, That the said wage earner is not employed in any establishment handling or producing in any manner milk, milk products, or other foodstuffs or candy; or in the manufacture, sale, or other handling of wearing apparel, upholstery, or tobacco: *Provided further*, In the case of diphtheria, the wage earner shall have received an immunizing dose of diphtheria antitoxin. The wage earner's permit shall not be construed as including permission to attend any public meeting or gathering whatsoever and may be revoked if its terms are violated.

SEC. 5. *Termination of quarantine and disinfection.*—1. Quarantine for bubonic plague, Asiatic cholera, leprosy, typhus fever, and yellow fever shall be removed only at the direction of the secretary of health or his medical representative, and only after thorough disinfection and disinfection (bubonic plague, typhus fever, yellow fever) of the premises.

2. The quarantine for diphtheria, cerebrospinal meningitis, typhoid fever, paratyphoid fever, dysentery, smallpox, and scarlet fever shall be terminated upon receipt from the attending physician of written request for its removal, which request shall include the statement that the patient has entirely recovered from the disease and that there are no other cases upon the premises: *Provided*, That every convalescent from typhoid fever shall be considered a carrier and subject to all the restrictions placed upon carriers until there have been received from the laboratory at least two successive negative reports on specimens of stools and urine, taken not less than five days apart.

3. Quarantine for measles, German measles, mumps, whooping cough, and chicken pox may be terminated by the health officer upon request of the holder: *Provided*, The minimum quarantine period has expired, the patient has completely recovered, and the premises have been disinfected, which facts the health officer shall verify.

4. Disinfection prior to removal of quarantine for any of the diseases mentioned in section 2, paragraph 5, shall consist of thorough soap and water cleansing of the sick room or rooms and the use of germicidal solutions on all exposed surfaces, followed by thorough exposure to sunlight and air, and the disinfectant [disinfection] by boiling or immersion in a germicidal solution of the bedding and other objects in the room or rooms: *Provided*, Disinfection with formaldehyde gas shall be required after smallpox, leprosy, and Asiatic cholera in addition to the cleansing already specified: *Provided further*, That the health authorities may insist upon the destruction of such infected or presumably infected objects or material as the protection of the public may require.

5. No person, without previous disinfection and certificate from the health officer attesting to such disinfection, shall give, lend, sell, transmit or expose any bedding, clothing, rags, or other articles which have been exposed to infection from any of the diseases mentioned in section 2, paragraph 5, of these regulations: *Provided*, That such restrictions shall not apply to the transmission of such articles with proper precaution and the permission of health authorities for the purpose of having same disinfected.

6. No person shall let any room, house, or part of a house in which there has been a person suffering from tuberculosis or any of the diseases comprehended by section 2, paragraph 5, of these regulations without having such room, house or part of a house, and all articles therein previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, boarding house, or an apartment house shall be deemed as letting a part of a house to any person who shall be admitted as a guest into such hotel, boarding house, or apartment house.

7. The sale, handling for sale, or any other distribution of milk for public consumption, or the sale, handling, distribution, or manufacture of any milk product on a premises in which exists a case of typhoid fever, paratyphoid fever,

dysentery, scarlet fever, diphtheria, streptococcic sore throat, smallpox, or epidemic cerebrospinal meningitis, is prohibited, unless special permission for the continued sale, handling, manufacture, or distribution shall have been given by the health authorities and measures approved by the secretary of health for the protection of the consumers are faithfully carried out.

8. In the preparation for burial of a body of and person who has died of Asiatic cholera, bubonic plague, smallpox, yellow fever, typhus fever, relapsing fever, or leprosy, it shall be the duty of the undertaker or person acting as such to thoroughly disinfect and place such body within the coffin or casket in which it is to be buried, within six hours after being first called upon to take charge of the same: *Provided*, Said call is made between the hours of 5 ante-meridian and 11 post-meridian; otherwise, such body shall be placed in such coffin or casket within twelve hours; the coffin or casket then to be closed tightly, and not again opened unless permission be granted by the health authorities for special and satisfactory cause shown.

9. The body of any person who has died of any of the diseases mentioned in the immediately preceding paragraph or of scarlet fever, diphtheria, epidemic cerebrospinal meningitis, measles, German measles, whooping cough, or mumps shall not remain unburied for a longer period of time than thirty-six hours after death, unless special permission be granted by the health authorities extending the time, during which said body shall remain unburied for special and satisfactory cause shown. The undertaker or person acting as such shall be responsible for any violation of the provisions of this section.

10. All services held in connection with the funeral of the body of a person who has died of any of the diseases mentioned or comprehended in the preceding paragraph shall be private, and the attendance thereat shall include only the immediate adult relatives of the deceased who may not at the time be under absolute quarantine restrictions and the necessary number of adult pallbearers; and any advertisement of such funeral shall state the cause of death.

11. The body of any person who has died of any of the diseases mentioned in paragraphs 8 and 9 in this section shall in no instance be taken into any church, chapel, public hall, or public building for the holding of funeral services. The undertaker or person acting as such and the sexton, janitor, or other person having control of such church, chapel, public hall, or public building shall be responsible for any violation of the provisions of this section.

12. No undertaker or person acting as such at the funeral or burial of the body of a person who has died of any of the diseases mentioned in paragraphs 8 and 9 of this section shall furnish or provide for such funeral or burial more than the necessary number of conveyances for such adult relatives as are mentioned in paragraph 10 of this section and pallbearers, and all such conveyances shall be fumigated and disinfected, at such time and in such manner as may be directed and required by the health authorities; nor shall such body be conveyed from any dwelling or other building or place to any cemetery or other point or place, except in a hearse or other vehicle used for the purpose of conveying corpses only, or in such vehicles as shall be satisfactory to the health authorities and under such regulations as they may in any case adopt. The undertaker or person acting as such having charge of the funeral or transportation of such body shall be responsible for any violation of the provisions of this section.

SEC. 6. *Transportation of the infectious sick.*—1. No person suffering from a quarantinable disease shall enter any private, hired or public conveyance and no one having charge of any person so suffering shall permit his charge to enter such a vehicle without previously securing the consent of the health authorities.

2. Persons suffering from a quarantinable disease may be permitted to enter and be transported by a private or public conveyance or common carrier: *Provided*, The entire vehicle, car, or separate compartment in a car is used for the purpose of transporting only such person and the physician or trained nurse or other responsible person in charge of such patient: *And provided further*, That the person so suffering or the person in charge of the one so suffering has secured and presents to the person in charge of such vehicle, car, or common carrier, a permit in writing from the local health authorities if the transportation is to be entirely within the municipality, and if to be carried beyond the limits of the jurisdiction of the local health authorities of any municipality also a permit in writing from the secretary of health or his representative, and of the municipality into which the patient is to be moved. The person or persons owning or operating the private, public or common carrier will be held jointly responsible with the person transported, or those having charge of such person for any violation of this regulation.

3. Any person in charge of the patient shall be held responsible for the proper disinfection of all or any infectious discharges from the patient while en route and the health authorities, when it is deemed advisable, shall cause a placard to be posted, bearing the name of the disease from which the person transported is suffering and the additional information mentioned in section 2, paragraph 1 of these regulations: *Provided*, That nothing in these regulations shall be construed as prohibiting the transportation of a patient suffering from a quarantinable disease for special treatment in emergency, proper effort made to consult the health authorities having failed: *Provided further*, That the burden of the proof of the emergency shall rest upon the person ordering or arranging for the said transportation.

SEC. 7. *Schools*.—1. Every teacher principal, superintendent, or other person or persons in charge of any public, private, parochial, Sunday or other school, shall immediately exclude any child or person showing an unusual skin eruption, swelling about the neck suggesting mumps, soreness of the throat, or having symptoms of whooping cough or diseases of the eyes, and shall report the fact of such exclusion and the reasons therefor to the health officer of the township, borough or city in which the school is situated, together with the name and address of the child or person excluded.

2. No child or other person excluded from school on account of having or of being suspected to have a quarantinable disease or any person residing on premises where there is or is suspected to be a quarantinable disease, shall be readmitted thereto unless he or she, or someone in his or her behalf shall present to the person in charge of said school a certificate, setting forth that the conditions prescribed by regulation for the readmission to school, have been complied with; which certificate shall be signed by a person to be designated for that purpose by the health authorities exclusively of cities, boroughs or first-class townships, or by the secretary of health in second-class townships, or boroughs or first-class townships not having boards of health.

3. No child or person suffering from acute contagious conjunctivitis (pink eye), impetigo contagiosa, pediculosis capitis, pediculosis corporis, scabies, tinea circinata, tonsillitis, trachoma or favus, shall be permitted to attend any public, private, parochial, Sunday, or other school; the teachers of public schools and the principals, superintendents, teachers or other persons in charge of private, parochial, Sunday or other similar schools are hereby required to exclude any such persons from said schools, such exclusion to continue until the case has recovered or become noncommunicable.

4. No child or other person excluded from any school by the provisions of the above paragraph shall be readmitted thereto until medically attested to in writing as being incapable of transmitting the disease or condition because of medical treatment or as being recovered. Such attestation may be made by the attending physician, school physician, the local board of health, or medical representative of the secretary of health.

Indigent Tuberculous Persons—Erection, Construction, and Maintenance of New or Additional Hospital Buildings for, in Poor Districts in Second-Class Counties Authorized. (No. 277, Act June 7, 1923)

SECTION 1. That in all cases where, under any law of this Commonwealth, a * * * hospital or sanitarium for indigent persons afflicted with tuberculosis, have been or hereafter shall be erected or maintained by the directors of the poor in any poor district in any county or counties of the second class—said class being ascertained and fixed according to population by reference, from time to time, to the last preceding decennial census of the United States—and the said building or buildings are found insufficient by said directors of the poor for the purpose of the proper maintenance, care, and treatment of the said * * * indigent persons afflicted with tuberculosis, it shall be lawful for the directors of the poor in said county or counties, with the approval of the county commissioners or majority thereof, to erect, construct, and maintain new or additional buildings, as in their judgment is necessary for such purposes, and to make contracts therefor.

SEC. 2. That, at the request of said directors of the poor, the county commissioners of such county or counties are hereby authorized to borrow money and to incur indebtedness to an amount not to exceed 2 per cent of the assessed valuation of the taxable property in said poor district or districts, as fixed by the last preceding assessed valuation thereof, to carry out the provisions of this act; and to issue, as evidence thereof, registered or coupon bonds, payable

by said poor district within thirty years from the date of their issue and bearing interest at a rate not exceeding 6 per cent per annum, payable annually or semiannually, and to negotiate the same, for the purpose of raising the money necessary to carry out the provisions of this act; and, further, to levy and collect taxes on all the taxable property in said poor district or districts for the purpose of paying any bonded indebtedness which may be incurred as herein provided.

County Tuberculosis Hospitals—Selection and Acquisition of Site—Approval of Plans and Specifications and Site by State Commissioner of Health—Construction and Equipment. (No. 31, Act Apr. 3, 1923)

SECTION 1. That section 2 of an act approved the 20th of May, 1921 (Pamphlet Laws 944), entitled "An act authorizing the establishment by counties of hospitals for the treatment of persons afflicted with tuberculosis; providing for the management and maintenance thereof; and authorizing the incurring of indebtedness and the levy of taxes therefor," is hereby amended to read as follows:

"SEC. 2. If a majority of the voters, voting upon such question at such election, shall be in favor of the establishment of the hospital, the county commissioners, county controller, where such office exists, and board of trustees, hereafter provided for, shall have plans and specifications prepared, and shall select and acquire a site for such hospital, by purchase or condemnation, with the same power and with the like procedure as land is now acquired under existing laws by school districts, for school purposes—the county commissioners exercising the authority exercised by school directors for that purpose. Such plans and specifications and the location of such site shall be approved by the commissioner of health before the construction of any building is commenced.

"Upon the approval by the commissioner of health of the plans and specifications and the location of such hospital, the hospital shall be constructed and equipped under the direction and supervision of the board of trustees, the county commissioners, the county controller, where such office exists, and in the same manner as other county buildings are constructed and equipped."

Administrative Code—Provisions of, Relating to the State Department of Health, State Secretary of Health, Advisory Health Board, Sanitary Water Board, and Anatomical Board. (No. 274, Act June 7, 1923)

SECTION 1. *Short title.*—That this act shall be known and may be cited as "The administrative code."

SEC. 2. *Certain existing departments, boards, commissions, and offices abolished.*—To accomplish the purposes of this act, all places and positions, except those specifically retained by this act, in or under the executive and administrative bureaus, divisions, boards, commissions, offices and agencies of the State government, and in or under the several executive and administrative departments, except the department of the auditor general, the State treasurer, and the department of internal affairs, are hereby abolished; and the following departments, bureaus, divisions, boards, commissions, offices, and agencies of the State government, as now established by law, are hereby abolished, namely: * * * Bureaus of housing, of vital statistics, and the advisory board, in the department of health; * * *

SEC. 201. *Executive officers, administrative departments, and independent administrative boards and commissions.*—The executive and administrative work of this Commonwealth shall be performed by * * * the department of health, * * * which shall be reorganized as in this act provided, and shall hereafter be known, respectively, as: * * * department of health, * * *.

SEC. 202. *Departmental administrative bodies, boards, commissions, and offices.*—The following departments, boards, commissions, and offices, are hereby placed and made departmental administrative bodies, boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

*	*	*	*	*	*	*
In the department of health: Anatomical board.						
*	*	*	*	*	*	*

All the foregoing departmental administrative boards and commissions shall be reorganized as provided in this act.

The following departmental administrative boards and commissions are hereby created in the respective administrative departments, as follows:

In the department of health: Sanitary water board.

SEC. 203. *Advisory boards and commissions.*—The following advisory boards and commissions are hereby created and designated in and as parts of the respective departments, as follows:

In the department of health: Advisory health board.

SEC. 205. *Department heads.*—Each administrative department shall have as its head an officer who shall either personally, by deputy, or by the duly authorized agent or employee of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

(a) The following officers shall be the heads of the administrative departments following their respective titles:

Commissioner of health, who shall hereafter be known as secretary of health of the department of health.

SEC. 206. *Appointment.*—The governor shall nominate, and by and with the advice and consent of two-thirds of all the members of the Senate, appoint:

(a) * * * the secretary of health, * * *.

(b) Except as in this act otherwise provided, the members of all departmental administrative bodies, boards, and commissions, and the officers who shall fill the departmental administrative offices mentioned in this article;

(c) Except as in this act otherwise provided, the members of all advisory boards and commissions.

SEC. 207. *Terms of office.*—The terms of office of the persons appointed by the governor under the preceding section shall be as follows:

(c) Except as in this act otherwise provided, the heads of other administrative departments, the members of independent administrative boards and commissions, of departmental administrative bodies, boards, and commissions, and of advisory boards and commissions, and departmental administrative officers, shall hold office for terms of four years from the third Tuesday of January next following the election of a governor, and until their successors shall have been appointed and qualified: *Provided*, That the terms of any persons whose terms of office are fixed by this subsection, who are appointed prior to the third Tuesday of January, 1927, shall expire upon that date.

SEC. 208. *Compensation of the governor, lieutenant governor, and heads of departments.*—Annual salaries shall be payable, in equal semimonthly instalments, as follows:

To the secretary of health, \$10,000.

SEC. 210. *Compensation of departmental administrative bodies, boards, and commissions, and of advisory boards and commissions.*—Except as in this act otherwise provided, the members of departmental administrative bodies, boards, and commissions, and of advisory boards and commissions, shall serve without compensation.

SEC. 433 *Sanitary water board.*—The sanitary water board shall consist of the secretary of health, who shall be chairman thereof, the secretary of forests and waters, the attorney general, the commissioner of fisheries, and the chairman of the public service commission of the Commonwealth of Pennsylvania.

Three members of the board shall constitute a quorum.

SEC. 434. *Anatomical board.*—The anatomical board of the State of Pennsylvania shall consist of the professors of anatomy, the professors of surgery, the demonstrators of anatomy, and the demonstrators of surgery of the medical and dental schools, and colleges of this Commonwealth which are now or may hereafter become incorporated, together with one representative from each of the

unincorporated schools of anatomy or practical surgery within this Commonwealth in which there are, or from time to time at the time of the appointment of such representatives shall be, not less than five scholars.

The secretary of health shall be a member of the board ex officio

The board shall effect such organization and elect such officers as it shall from time to time determine.

* * * * *

SEC. 439. *Advisory boards and commissions.*—The advisory boards and commissions created by this article shall be constituted as follows:

* * * * *

(e) The advisory health board shall consist of the secretary of health and six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges, and of at least 10 years' experience in the practice of their profession, and one of whom shall be a civil engineer. The secretary of health shall be chairman of the board.

Three members of the board, together with the secretary of health, shall constitute a quorum.

* * * * *

SEC. 507. *Purchases.*—It shall be unlawful for any administrative department, other than the department of property and supplies, or for any independent administrative board or commission, or for any departmental administrative body, board, or commission, or for any advisory board or commission, to purchase any furniture, materials, or supplies except:

(a) The department of health, which shall have the right to purchase medicines, medical and surgical supplies required by the department, and furniture, materials, and supplies for the tuberculosis sanatoria maintained by the department.

* * * * *

SEC. 512. *Meetings of boards and commissions.*—Every departmental administrative board or commission and every advisory board or commission shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate, and at such times and places as the board or commission may by rule designate.

* * * * *

SEC. 1801. *Powers and duties in general.*—The department of health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department of health, the bureaus thereof, and the commissioner of health. It shall also exercise such additional powers and perform such additional duties as are vested in and imposed upon it by law.

SEC. 1802. *General health administration.*—The department of health shall have the power, and its duty shall be:

(a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease;

(b) To purchase such medicines, medical and surgical supplies, and materials as may be necessary to carry on the work of the department;

(c) To cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose, without fee or hindrance, to enter, examine, and survey all grounds, vehicles, apartments, buildings, and places within the Commonwealth; and all persons authorized by the department to enter, examine, and survey such grounds, vehicles, apartments, buildings, and places shall have the powers and authority conferred by law upon constables;

(d) To order nuisances, detrimental to the public health or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations;

(e) If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the department for the abatement or removal thereof, to enter upon the premises to which such order relates and abate or remove such nuisance, as may now or hereafter be provided by law;

(f) For the purpose of collecting or recovering the expense of the abatement or removal of a nuisance, to file a claim or maintain an action, in such manner as may now or hereafter be provided by law, against the owner or occupant of

the premises upon or from which such nuisance shall have been abated or removed by the department;

(g) To revoke or modify any order, regulation, by-law, or ordinance of a local board of health concerning a matter which, in the judgment of the department, affects the public health beyond the territory over which such local board has jurisdiction;

(h) To promulgate its rules and regulations by sending printed copies thereof to all local boards of health, school boards, or clerks of councils of cities and boroughs and by printing the same once in at least one daily newspaper of Philadelphia and Pittsburgh, and to print in circular form such rules and regulations and give copies thereof to any person requesting the same; and

(i) Whenever, in the opinion of the department, conditions exist in any borough or any township of the first class within the Commonwealth, which constitute a menace to the lives and health of the people living outside the corporate limits of such borough or township, or after it be known to the department that any borough or any township of the first class is without an existing or efficient board of health, to enter and take full charge of and administer the health laws, regulations, and ordinances of, such borough or township, and to continue in charge thereof until the department shall decide that a competent and efficient board of health has been appointed and qualified for such borough or township, and is ready, able, and willing to assume and carry into effect the duties imposed upon it by law, and to collect all expenses incurred by the department in performing its duties hereunder, as may now or hereafter be provided by law;

(j) To prescribe standard requirements for the conduct of the medical inspection of the pupils of the public schools throughout the Commonwealth, and to appoint medical inspectors to make such school inspections, as may now or hereafter be provided by law.

Sec. 1803. *Housing*.—The department of health shall have the power, and its duty shall be, to investigate the sanitary condition of tenements, lodging and boarding houses, and, when the same are found to be a menace to those occupying the same or employed therein or to be overcrowded, to condemn the same, in such manner and subject to such limitations as may now or hereafter be provided by law, and to notify the owners or agents thereof in writing, setting forth the insanitary or overcrowded condition thereof, specifying the changes or alterations which shall be made thereto for the purpose of relieving such condition, and further specifying the time within which such changes or alterations shall be completed or overcrowding relieved: *Provided*, That in making inspections as authorized by this section the department of health shall cooperate with the department of labor and industry for the purpose of avoiding any duplication of inspection or overlapping of functions.

For the purpose of making investigations authorized by this section, the officers and agents of the department shall at all times have the right of ingress into all tenement, lodging, and boarding houses.

Sec. 1804. *Vital statistics*.—The department of health shall have the power, and its duty shall be:

(a) To obtain, collect, compile, and preserve all statistics of marriages, deaths, diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all professions whose occupation is deemed to be of importance in obtaining a complete registration of births, deaths, marriages, and diseases, or other vital statistics.

(b) To prepare the necessary methods, forms, and blanks for obtaining and preserving records of registration of births, deaths, marriages, and diseases, and to insure the faithful registration of the same in the townships, boroughs, cities, and counties of the State and in the department;

(c) To see that the laws requiring the registration of births, deaths, marriages, and diseases are uniformly and thoroughly enforced throughout the State, and prompt returns of such registrations made to the department;

(d) With the advice and concurrence of the advisory health board, to make appropriate regulations for the thorough organization and efficiency of the registration of the vital statistics throughout the Commonwealth, and to enforce such regulations;

(e) To issue marriage, birth, and death certificates, and such burial or removal permits as may now or hereafter be provided by law;

(f) To establish such districts for the registration of vital statistics, and appoint such registrars, deputies, and subregistrars as may be necessary properly to obtain, collect, compile, and preserve the statistics which the department is required to obtain, collect, compile, and preserve. All local registrars, deputies, and sub-

registrars, appointed under this section, shall perform such duties as shall be required of them by the department, and shall receive such compensation as may now or hereafter be fixed by law.

SEC. 1805. *Health districts and officers.*—The department of health shall have the power, in order to enable it more efficiently to manage the sanitary affairs of the Commonwealth, to apportion the Commonwealth into such number of health districts as the department, with the approval of the governor, shall decide, and in each district to appoint a health officer who shall, under the direction of the department, have supervision and control of the sanitary affairs of the district.

SEC. 1806. *Quarantines.*—The department of health shall have the power, and its duty shall be:

(a) With the approval and concurrence of the advisory health board, to declare certain diseases to be communicable in addition to those by law declared so to be, and to establish such regulations for the prevention of the spread of such diseases as the department and the advisory health board shall deem necessary and appropriate;

(b) To establish and enforce quarantines in such manner, for such period, and with such powers, as may now or hereafter be provided by law, to prevent the spread of diseases declared by law or by the department to be communicable diseases;

(c) To administer and enforce the laws of this Commonwealth with regard to vaccination and other means of preventing the spread of communicable diseases.

SEC. 1807. *Tuberculosis sanatoria.*—The department of health shall have the power, and its duty shall be:

(a) To maintain sanatoria or colonies for the reception and treatment of indigent persons affected with tuberculosis, and for that purpose to acquire property, erect buildings, equip the same, and do all other things necessary to accomplish such work, as may now or hereafter be provided by law;

(b) To approve or disapprove plans and specifications for county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis, as may now or hereafter be provided by law.

SEC. 1808. *Narcotic drugs.*—The department of health shall have the power, and its duty shall be, to supervise the enforcement of and administer the act,³ approved the 11th day of July, 1917 (Pamphlet Laws, 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties."

SEC. 1809. *Water pollution.*—The department of health shall have the power and its duty shall be:

(a) To act as the enforcement agent for the sanitary water board created by this act. The department shall make such inspections, conduct such investigations, and do such other acts as the sanitary water board shall from time to time direct; but the department shall, in the exercise of its powers and the performance of its duties hereunder, be subject at all times to the rules and regulations, orders, and directions of the sanitary water board: *Provided, however, That* between sessions of the board, the department shall have the power to issue such orders and take such action, within the powers of the board, as the circumstances may require; but any order so issued and any action so taken may be rescinded or revoked by the board at its next session;

(b) To issue waterworks permits and stipulate therein the conditions under which water may be supplied to the public, and to administer sections 1, 2, and 3 of the act, approved the 22d day of April, 1905 (Pamphlet Laws, 260), entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

SEC. 1810. *Sanitary water board.*—Subject to any inconsistent provisions in this act contained, the sanitary water board shall have the power, and its duty shall be:

(a) To exercise all the powers and perform all the duties vested in and imposed upon the commissioner of health, the governor, and the attorney general, or any of them, by sections 4 and 5, and sections 7 to 11, inclusive, of the act, approved

³Supplement 37 to Public Health Reports, p. 446.

the 22d day of April, 1905 (Pamphlet Laws, 260), entitled "An act to preserve the purity of the waters of the State for the protection of the public health," which reads as follows:

"Sec. 4. No person, corporation, or municipality shall place, or permit to be placed, or discharge, or permit to flow into any of the waters of the State, any sewage, except as hereinafter provided. But this act shall not apply to waters pumped or flowing from coal mines or tanneries, nor prevent the discharge of sewage from any public sewer system, owned and maintained by a municipality, *Provided*, Such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act. But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act.

"For the purpose of this act, sewage shall be defined as any substance that contains any of the waste products, or excrementitious or other discharges from the bodies of human beings or animals.

"Sec. 5. Upon application duly made to the commissioner of health by the public authorities having by law the charge of the sewer system of any municipality, the governor of the State, the attorney general, and the commissioner of health shall consider the case of such a sewer system, otherwise prohibited by this act from discharging sewage into any of the waters of the State, and, whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby, the commissioner of health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State, and may stipulate in the permit the conditions on which such discharge may be permitted. Such permit, before being operative, shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located. Every such permit for the discharge of sewage from a sewer system shall be revocable, or subject to modification and change, by the commissioner of health, on due notice, after an investigation and hearing, and an opportunity for all interested therein to be heard thereon, being served on the public authorities of the municipality owning, maintaining, or using the sewage system. The length of time, after receipt of the notice, within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than one year or exceed two years, and if the length of time is not specified in the permit it shall be one year. On the expiration of the period of time prescribed, after the service of a notice of revocation, modification or change, from the commissioner of health, the right to discharge sewage into any of the waters of the State shall cease and terminate; and the prohibition of this act against such discharge shall be in full force as though no permit had been granted, but a new permit may thereafter again be granted, as hereinbefore provided.

"Sec. 7. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without a duly issued permit, in any case in which a permit is required by this act, shall be \$500 and a further penalty of \$50 per day for each day the offense is maintained, recoverable by the Commonwealth, at the suit of the commissioner of health, as debts of like amount are recoverable by law. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without filing a report, in any case in which a report is required to be filed, shall be \$50 recoverable by a like suit.

"Sec. 8. All individuals, private corporations, and companies that, at the time of the passage of this act, are discharging sewage into any of the waters of the State may continue to discharge such sewage, unless, in the opinion of the commissioner of health, the discharge of such sewage may become injurious to the public health. If at any time the commissioner of health considers that the discharge of such sewage into any of the waters of the State may become injurious to the public health, he may order the discharge of such sewage discontinued.

"Sec. 9. Every individual, private corporation, or company shall discontinue the discharge of sewage into any of the waters of the State, within ten days after having been so ordered by the commissioner of health.

"Sec. 10. Any individual, private corporation, or company that shall discharge sewage, or permit the same to flow, into the waters of the State, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of \$25 for each offense, and a further fine of \$5 per day for each day the offense is maintained or by imprisonment not exceeding one month, or both, at the discretion of the court.

"Sec. 11. Any order or decision, under this act, of the commissioner of health, or that of the governor, attorney general, and commissioner of health shall be

subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system, otherwise prohibited by this act, is situated; and said court shall have power to hear said appeal, and may affirm or set aside said order or decision, or modify the same, or otherwise fix the terms upon which permission shall be granted. But the order or decision appealed from shall not be superseded by the appeal, but shall stand until the order of the court, as above:—

Provided, That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section 5 of the said act;

(b) To exercise all other powers, not contrary to law, heretofore exercised by the department of health or the commissioner of health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems;

(c) To exercise all the powers, not contrary to law, heretofore exercised by the department of fisheries, the commissioner of fisheries, and the water supply commission of Pennsylvania, with regard to the prevention of pollution of the waters of this Commonwealth;

(d) To investigate, hold hearings upon, and determine any question of fact regarding the purity of water supplied to the public by any public service company over which the public service commission of the Commonwealth of Pennsylvania has jurisdiction, whenever said commission shall certify such question to the board.

The findings of the board upon any such question shall be incorporated in, and made a part of, the determination or decision by said commission of the controversy or other proceeding in connection with which the question arose, and shall be binding upon the parties to such controversy or other proceeding, unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law;

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof;

(f) To study, investigate, and, from time to time, report ways and means of eliminating from the streams and waters of the Commonwealth, so far as practicable, all substances and materials which pollute or tend to pollute the same, and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals, fish, or aquatic life, or detrimental to the use of waters for recreational purposes. The board shall have the power to investigate the character of all wastes discharged into, or deposited on the banks of, the streams or waters of the Commonwealth, and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth;

(g) To call upon the department of health to make such inspections, conduct such investigations, and do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board.

Sec. 1811. *Advisory health board*.—The advisory health board shall have the power, and its duty shall be:

(a) To advise the secretary of health on such matters as he may bring before it;

(b) To make such reasonable rules and regulations, not contrary to law, as may be deemed by the board necessary for the prevention of disease and for the protection of the lives and health of the people of the Commonwealth and for the proper performance of the work of the department of health; and such rules and regulations, when made by the board, shall become the rules and regulations of the department.

Sec. 1812. *Anatomical board*.—The anatomical board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.

Sec. 2901. *Acts and parts of acts specifically repealed*.—The following acts and parts of acts are hereby repealed:

Sections 2, 3, 4, 5, 6, and 13 of the act approved the 27th day of April, 1905 (Pamphlet Laws, 312), entitled "An act creating a department of health, and defining its powers and duties."

The act,⁴ approved the 4th day of June, 1919 (Pamphlet Laws, 387), entitled

⁴ Supplement 42 to Public Health Reports, p. 785.

"An act authorizing the appointment of a deputy commissioner of health in the department of health of the Commonwealth of Pennsylvania; defining the qualifications, powers, and duties of said officer; and providing compensation therefor."

Sections 1 and 7 of the act,⁵ approved the 24th day of July, 1913 (Pamphlet Laws, 1015), entitled "An act to establish a bureau of housing; for the sanitary inspection and control of tenement, boarding and lodging houses; defining its powers and duties; and providing certain penalties."

The act,⁶ approved the 16th day of July, 1913 (Pamphlet Laws, 750), entitled "A supplement to an act entitled 'An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the central bureau of vital statistics at the capitol of the State, as required to be established by the State board of health; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State as provided in section seven of 'An act to establish a State board of health, for the better protection of life and health, and to prevent the spread of contagious and infectious diseases in this Commonwealth,'" approved June 3, 1885; and making an appropriation for establishing and maintaining such a bureau, and providing certain penalties,' approved May 1, 1905 (Pamphlet Laws, 330); authorizing the statistics required to be obtained and preserved by the tenth section of an act entitled 'An act creating a department of health, and defining its powers and duties,' approved April 27, 1905 (Pamphlet Laws, 312), or by any subsequent law or laws, to be obtained, collected, compiled, and preserved by and in said central bureau of vital statistics; and fixing the salary of the State Registrar of vital statistics."

In so far as inconsistent with the provisions of this act, section 16 of the act, approved the 11th day of July, 1917 (Pamphlet Laws, 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties"; as amended by section 4 of the act approved the 20th day of April, 1921 (Pamphlet Laws, 152), entitled "An act to amend an act approved the 11th day of July, 1917 (Pamphlet Laws, 758), entitled 'An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act and penalties'; regulating the age of users of drugs; providing for an annual report by public institutions; and giving certain powers to inspectors in the bureau of drug control."

In so far as supplied by or inconsistent with the provisions of this act, section 1 of the act, approved the 13th day of June, 1883 (Pamphlet Laws, 119), entitled "An act for the promotion of medical science, by the distribution and use of unclaimed human bodies for scientific purposes, through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies;" as amended by section 1 of the act approved the 14th day of May 1915 (Pamphlet Laws, 506), entitled "An act amending and supplementing sections 1 and 2 of an act entitled 'An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes, through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies,' approved June 13, 1883; by providing that the name of said board of distribution shall be anatomical board of the State of Pennsylvania; by extending its provisions to all persons having charge or control over bodies required to be buried at the public expense; by requiring immediate notice of the death of any person required to be buried at the public expense; by requiring notice in all cases; but providing that there shall not be delivered to the board created under the act the bodies of deceased indigent persons, where claimed by relatives within twenty-four hours after death, for interment at the expense of the claimant, or the bodies

⁵ Reprint 264 from Public Health Reports, p. 410.

⁶ *Id.*, p. 398.

of honorably discharged soldiers, sailors, or marines who have served the United States in any war, or who were in active service in the militia of the State of Pennsylvania under and in pursuance of any of the proclamations issued by the governor during the Civil War, and not duly mustered into the service of the United States; by repealing the provisions as to deceased indigent travelers; by providing for the burial at the expense of the county of indigent persons unfit for anatomical purposes, upon the certificate of the board or its duly authorized officer or agent that such bodies are unfit for anatomical purposes, or are the bodies of soldiers, sailors, or marines required to be buried at the public expense, and that the provisions of this act have been complied with; that no warrants for payment of expenses of burial shall be drawn or paid except upon such certificate; by providing for the burial of bodies rendered unfit for anatomical purposes by the failure to comply with the provisions of this act, at the expense of the person failing to comply with its provisions."

* * * * *

SEC. 2902 *Other acts repealed.*—All other acts or parts of acts inconsistent herewith are hereby repealed, including all acts or parts of acts inconsistent herewith enacted at this session of the general assembly, and approved by the governor or passed notwithstanding the governor's veto, prior to the passage of this act.

Condensed, Evaporated, and Concentrated Milk—Definition—Required to Conform to Standards when Manufactured or Sold—Labeling of Sealed Cans Containing. Filled Milk—Manufacture or Sale Prohibited. (No. 20, Act Mar. 21, 1923)

SECTION 1. That for the purpose of this act the definitions [sic] of condensed milk, evaporated milk, concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from milk, or from milk, with adjustment, if necessary, of the ratio of fat to nonfat solids by the addition or by the abstraction of cream [;] it contains, all tolerances being allowed for [.] not less than $7\frac{1}{2}\%$ per cent of milk fat, nor less than $25\frac{1}{2}\%$ per cent of total milk solids: *Provided, however,* That the sum of the percentages of milk fat and total milk solids be not less than $33\frac{1}{2}\%$ per cent.

SEC. 2. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed, evaporated, or concentrated milk which shall not conform at least to the minimum standards set forth respectfully [sic] in section 1 hereof, and, when contained in hermetically sealed cans, does not bear stamped or labeled thereon the name and address of the manufacturers or distributors thereof.

SEC. 3. It shall be unlawful for any person, firm, or body corporate, by itself [himself], herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to or with which has been added, blended, or compounded any fats or oils, other than milk fats, either under the name of said products or articles or the derivatives thereof, or if labeled under any fictitious, coined, or trade names whatsoever: *Provided, however,* That nothing in this act shall be construed as prohibiting the use of chocolate as a flavor.

SEC. 4. Any violation of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership or as a responsible agent or officer of an incorporate body, who shall be convicted of such violation, either on his own behalf or in the interest of a corporate body, shall be sentenced to undergo an imprisonment of not less than thirty days nor more than sixty days, or to pay a fine not less \$50 nor more than \$100, or both.

SEC. 5. The director of the bureau of foods shall be charged with the enforcement of the provisions of this act.

SEC. 6. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the director of the bureau of foods or his agent, and, when so collected and paid, shall thereafter be, by the director of the bureau of foods paid into the State treasury for the use of the Commonwealth.

SEC. 7. Nothing in this act shall be construed to prohibit the shipment into this Commonwealth from a foreign State and the first sale thereof in this Commonwealth in the original package, intact and unbroken, of any of the products or articles the manufacture, sale, or exchange of which, or possession of which with an intent to sell or exchange, is prohibited hereby.

SEC. 8. Should any section or any part of a section or sections hereof become or be declared to be inoperative or void for any cause or reason whatsoever, the remainder of the section or of such sections shall be and remain in full force and effect.

Condensed, Concentrated, and Evaporated Skimmed Milk—Definition—Manufacture or Sale—Required Weight of, when Sold in Sealed Cans or Receptacles—Labeling of Sealed Cans or Receptacles Containing. (No. 361, Act June 29, 1923)

SECTION 1. That for the purposes of this act, condensed, concentrated, and evaporated skimmed milk is defined as the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and shall contain, all tolerances allowed, at least 20 per cent of total milk solids, or, if sugar has been added, at least 28 per cent of total milk solids, and shall include compounds of any kind containing skimmed milk.

SEC. 2. It is unlawful for any person, firm, or corporation to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk, or any compound of any kind containing skimmed milk, whether with or without the addition of sugar, in hermetically sealed cans or receptacles, unless such can or receptacle shall contain at least 5 pounds net weight and shall have plainly marked, printed, or indicated thereon the words "Concentrated skimmed milk, unsweetened," or "Concentrated skimmed milk, sweetened," as the case may be, and immediately thereunder the words "Unfit for infants," which required words shall be printed in dark block type at least one-half inch in height and one-half inch in width upon a light-colored background, which required words shall be within a surrounding line at least one-sixteenth inch in width, and no other matter whatsoever shall be printed or appear within such surrounding line, and, where the size of the can or receptacle will permit, the foregoing words within the designated surrounding line are to be shown on the label twice on opposite sides at equidistant points. The name and address of the manufacturer or distributor thereof shall also appear, but not within the surrounding line.

It is unlawful for any person, firm, or corporation to manufacture, or sell or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk labeled under any fictitious or coined or trade name whatsoever.

It is unlawful for any person, firm, or corporation to manufacture, or sell or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk, unless the same conforms in all respects with condensed, concentrated, or evaporated skimmed milk as hereinbefore defined.

SEC. 3. Any violation of the provisions of this act is hereby declared to be a misdemeanor, and any firm or corporation or person, whether individually or as a member of a firm, or a responsible agent or officer of a corporation, which or who shall be convicted of such violation, shall, for every such offense be subject to the penalties provided for in the act [No. 20, act approved March 21, 1923, entitled "An act for the prevention of fraud and the protection of the public health; relating to milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, dried, powdered, or desiccated; prohibiting the introduction of foreign fats into them; regulating the sale of and defining condensed, concentrated, and evaporated milk; stipulating penalties for the infraction thereof; and providing for the enforcement thereof."] to which this is a supplement.

Ice Cream—Sale of, Unlawful when Adulterated—When Deemed Adulterated—Sale of, in Falsely Labeled Containers Prohibited. (No. 18, Act Mar. 20, 1923)

SECTION 1. That it is unlawful for any person, association, partnership, or corporation, by himself, herself, itself, or themselves, or by his, her, or their agents, servants, or employees, to sell, offer for sale, expose for sale, or have in posses-

sion with intent to sell ice cream, including coated ice cream and the coating thereof, which is adulterated within the meaning of this act.

SEC. 2. Ice cream, including coated ice cream and the coating thereof, shall be deemed to be adulterated within the meaning of this act:

First. If it contains boric acid, formaldehyde, saccharin, or any other added substance or compound that is deleterious to health.

Second. If it contains salts of copper, iron oxide ochers, or any coloring substance deleterious to health: *Provided*, That this paragraph shall not be construed to prohibit the use of harmless coloring matter in ice cream when not used for fraudulent purposes.

Third. If it contains any deleterious flavoring matter or flavoring matter not true to name.

Fourth. If it contains any fats, oils, or paraffin, other than milk fats, added to or blended or compounded with it: *Provided, however*, That chocolate ice cream and the coating of coated ice cream may contain cocoa butter.

Fifth. If a product is manufactured which is an imitation of or substitute for ice cream and is offered for sale under any coined or trade name.

Sixth. If it is offered for sale from any container, compartment, or cabinet which contains any article other than ice cream.

Seventh. If it contains less than 8 per cent butterfat, except when fruit or nuts are used for the purpose of flavoring, then it shall not contain less than 6 per cent butterfat.

SEC. 3. It is unlawful for any person, association, partnership, or corporation to sell, offer for sale, expose for sale, or have in possession with intent to sell, any ice cream, including coated ice cream and the coating thereof, in any container which is falsely labeled or branded as to the name of the manufacturer thereof; or to misrepresent, in any way, the place of manufacture of ice cream, including coated ice cream and the coating thereof, or the manufacture thereof.

SEC. 4. Any person, association, partnership, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$25 nor more than \$100; or in the case of an individual or the officers and members of an association, partnership, or corporation, to undergo an imprisonment of not less than thirty days nor more than sixty days, or both.

SEC. 5. The director of the bureau of foods of the department of agriculture shall be charged with the enforcement of the provisions of this act.

SEC. 6. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the director of the bureau of foods, or his agent, and, when so collected and paid, shall thereafter be by the director of the bureau of foods paid into the State treasury for the use of the Commonwealth.

SEC. 7. The act approved the 24th day of March, 1909 (Pamphlet Laws, 63), entitled "An act for the protection of the public health, and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream; fixing a standard of butterfat for ice cream; providing penalties for the violation thereof, and providing for the enforcement thereof," is hereby repealed.

All other acts and parts of acts inconsistent herewith are hereby repealed.

Food—When Deemed Adulterated. (No. 63, Act Apr. 26, 1923)

SECTION 1. That paragraph 5 of section 3 of the act approved the 13th day of May, A. D. 1909 (Pamphlet Laws, 520), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the dairy and food commissioner in reference thereto; and providing penalties for the violation thereof," is hereby amended to read as follows:

Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, benzoate acid or benzoates, except as hereafter provided; or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrostral, asaprol, pyroligeneous acid, or other added ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or any mineral substances, or injurious color or flavor,

alcoholic liquor, or any other ingredient, not herein mentioned, deleterious to health: *Provided*, That this act shall not be construed to prohibit the use of harmless colors of any kind in confectionery, when used for coloring and not for any fraudulent purpose: *And provided further*, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn sirup, pure glucose, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke applied directly as generated, or proper refrigeration: *And provided further*, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only, and as a solvent for glazes, and that oil of sweet birch, or methyl-salicylic ester, may be used as a substitute for oil of wintergreen as a flavor: *And provided further*, That in the preparation of dried fruits and molasses, sulphur dioxide, either free or in simple combination, may be used in such quantities as will not render said dried fruits or molasses deleterious to health; and that sodium benzoates may be used in the preparation of those articles of food in which it has heretofore been generally used, in quantities not exceeding one-tenth of 1 per cent, or benzoic acid equivalent thereto: *And provided further*, That when any quantity of sodium benzoate is used in any article of food, or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses, the fact that sodium benzoates or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each package of such food.

**Orders and Regulations for the Protection of Approved Public Water Supplies—
Making Authorized—Enforcement—Violation of, Constitutes Public Nuisance—Abatement of Such Public Nuisance. (No. 311, Act June 14, 1923)**

SECTION 1. That power and authority are hereby conferred upon the advisory board of the department of health, after due notice and public hearing, to make, adopt, and promulgate reasonable orders and regulations for the protection of any source of water approved, subsequent to the passage of this act, by the commissioner of health for the present or future supply to the public, and prohibiting the pollution and contamination of any such source of water so approved, rendering the same inimical to the public health or objectionable for public water supply purposes: *Provided, however*, That said orders and regulations, and said prohibition of pollution and contamination, shall not apply to sources of water shown, at said public hearing, to be polluted or contaminated by industrial wastes at the time of said hearing or at any time within one year prior thereto: *And further provided*, That this act shall not apply to any pollution or contamination caused by or resulting from water pumped or flowing from coal mines or water used in the preparation of coal.

SEC. 2. The commissioner of health is hereby authorized and empowered to enforce said orders and regulations.

SEC. 3. Any person, firm, corporation, or municipality violating any of the said orders and regulations, or refusing or omitting to comply with any direction or stipulation of the said commissioner made in accordance with said orders and regulations, after thirty days' notice thereof, shall be liable to a penalty of not less than \$100 nor more than \$500, at the discretion of the court, to be recovered by the Commonwealth at the suit of the said commissioner of health as debts of like amount are recoverable by law. Each week of the continuance of the said violation after notice as aforesaid shall constitute a separate offense. The suits herein provided for may be brought in the court of common pleas of the county in which the said violation occurred.

SEC. 4. A violation of the orders and regulations adopted by the advisory board pursuant to this act shall constitute a public nuisance, and, whenever such a public nuisance shall be maintained or continued contrary to such orders and regulations, the same may be abated by injunction in the court of common pleas of Dauphin County, or of the county in which such nuisance is maintained, in the manner now provided by law for the abatement of public nuisances. The collection of any penalties under the provisions of this act shall not be construed as estopping the Commonwealth from proceeding in courts of equity as provided in this section.

SEC. 5. All acts or parts of acts inconsistent herewith are hereby repealed: *Provided, however*, That nothing contained in this act shall be construed to repeal or to limit the provisions of the act entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," approved the 22d day of April, Anno Domini 1905.

Births, Deaths, Marriages, and Morbidity Reports—Registration—Duties of State Registrar—Notice to Parents of Registry of Child's Birth. (No. 131, Act May 9, 1923)

SECTION 1. That section 18 of an act¹ approved the 7th day of June, Anno Domini 1915, entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the central bureau of vital statistics, as required to be established by the State department of health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section 10 of an act entitled 'An act creating the department of health and defining its powers and duties,' approved the 27th day of April, 1905, and providing penalties for violations of this act," is hereby amended to read as follows:

"SEC. 18. That the State registrar shall prepare, print, and supply to all registrars, all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory; and all physicians, midwives, informants, or undertakers connected with any case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the State registrar in person, by mail, or through the local registrar. He shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered, the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. Within ten days after receipt of a certificate of the birth of a living child, he shall send to the parent of such child a notice of the registry of the child's birth. Such notice shall state the following facts, as contained in the birth certificate: 1, Name of child; 2, place and date of birth; 3, given name of father; 4, given name of mother; 5, permanent file number of certificate.

"This notice may be accepted by school authorities as evidence of child's age for all purposes connected with employment or school attendance, and may contain such other matter as the State registrar deems desirable. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as provided by law, and by the regulations of the State department of health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases. It shall also be the duty of the State registrar to collect, preserve, and tabulate records of all marriages performed within the State, and to tabulate and compile statistics of morbidity reports received by the department of health, after such necessary methods and forms as shall be, from time to time, directed by the commissioner of health."

SEC. 2. This act shall take effect on the 1st day of July, Anno Domini 1923.

Sewers—Construction of, in Cities, Boroughs, and Incorporated Towns—Assessment of Cost of, Against Property Benefited. (No. 243, Act May 25, 1923)

SECTION 1. That cities, boroughs, and incorporated towns are hereby authorized to require and permit sanitary sewers and sewer pipes to be laid and constructed outside the cartway and the curb lines thereof in any street or highway.

SEC. 2. The said sewers shall be for the service and use of the property abutting thereon on the side of the street or highway in which they are laid.

SEC. 3. The costs and expenses of any sewer laid and constructed, as aforesaid, may be assessed against the abutting property in front of which the same is laid;

¹ Reprint 338 from Public Health Reports, p. 456.

and such costs and expenses, when so assessed shall be assessed and collected in the way and manner as the costs and expenses of other sewers are assessed and collected in the respective city, borough, and incorporated town in which the same are laid.

SEC. 4. This act shall not affect the laying and construction of sewers under other acts of assembly.

Toilet Facilities—Required at Certain Places. Piggeries—Location, Maintenance, and Sanitary Requirements. (Reg. Dept. of H., Apr. 4, 1923)

[ART. II.] SEC. 7. Sufficient and suitable privy or toilet accommodations, well-lighted and ventilated and separated for each sex, shall be provided at all public buildings, public markets, public playgrounds, public bathing beaches, camp meetings grounds, and county fairs.

[ART. V.] SEC. 3. No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor where it can predjudicially affect any water supply, nor where, as a source of fly breeding, it may become a menace to the public health. When garbage is fed to pigs provision shall be made so that all unconsumed garbage shall be removed daily and disposed of by burial or incineration, all garbage shall be handled and fed upon platforms of concrete or other impervious material unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

Bedding and Upholstered Furniture—Definition—Making, Remaking, Renovation, Sterilization, Labeling, and Sale. (No. 314, Act June 14, 1923)

SECTION 1. That the word "mattress" shall mean any quilted pad, mattress, mattress pad, mattress protector, bunk quilt, or box spring, stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fiber, cotton, wool, hair, jute, kapok, or other soft material, to be used on a couch or other bed for sleeping or reclining purposes.

The words "pillow," "bolster," or "feather bed" shall mean any bag, case, or covering made of cotton or other textile material, and stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used on a bed, couch, divan, sofa, lounge, or other article of upholstered furniture for sleeping or reclining purposes.

The word "comfortable" shall mean any cover, quilt, or quilted article made of cotton or other textile material, and stuffed or filled with fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used for sitting, resting, or reclining purposes.

The word "cushion" shall mean any bag or case made of leather, cotton, or other textile materials, and stuffed or filled with excelsior, hay, grass, corn husks, tow, moss, fiber, cotton, wool, hair, feathers, feather down, kapok, or other soft material, to be used on a hammock, chair, couch, divan, sofa, lounge, or other article of furniture for reclining, resting, or sleeping purposes.

The words "upholstered furniture" shall mean any article of furniture stuffed or filled with excelsior, straw, hay, grass, corn husks, tow, moss, fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used for sitting, resting, or reclining purposes.

The word "new" as used in this act, shall mean any material or article which has not been previously manufactured or used for any purpose.

The word "secondhand" shall mean any material or article of which prior use has been made.

The word "shoddy" shall mean any material which has been spun into yarn, knit, or woven into fabric, and subsequently cut up, torn up, broken up, or ground up.

The word "person," as used herein, shall include persons, corporations, copartnerships, and associations.

Words used in the singular number shall include the plural; and the plural, the singular.

SEC. 2. No person shall employ or use in the making, remaking, or renovating of any mattress, pillow, bolster, feather bed, comfortable, cushion, or article of upholstered furniture: (a) Any material known as "shoddy," or any fabric or material from which "shoddy" is constructed; (b) any secondhand material, unless since last used, such secondhand material has been thoroughly sterilized

and disinfected by a reasonable process approved by the commissioner of labor and industry; (c) any new or secondhand feathers, unless such new or secondhand feathers have been sterilized and disinfected by a reasonable process approved by the commissioner of labor and industry.

SEC. 3 Any person engaged in the making, remaking, or renovating of any mattress, pillow, bolster, comfortable, cushion, or article of upholstered furniture in which secondhand material is used, or in the making of any new or secondhand feather or down filled article, or engaged in sterilizing and disinfecting any material, feathers, or article coming under the provisions of this act, shall submit to the commissioner of labor and industry for approval a reasonable and effective process, together with duplicate plans of apparatus or auxiliary devices for, the sterilization and disinfection of secondhand material, feathers, and secondhand articles herein enumerated.

Upon the approval of such process for sterilization and disinfection, a numbered permit for its use shall be issued to the applicant by the commissioner. Such permit shall expire one year from date of approval. Every person to whom a permit has been issued, shall keep such permit conspicuously posted in his office or place of business. Refusal to display such permit in accordance with this act shall be sufficient reason to revoke and forfeit the permit.

Nothing in this act shall prevent any person engaged in the making, remaking, renovating, or sale of any article herein described, which requires sterilizing and disinfecting under the provisions hereof, from having such sterilizing and disinfecting performed by any person to whom a permit for such purposes has been issued, providing the number of the permit shall appear in the statement on the tag attached to the article.

SEC. 4. All places where any mattress, pillow, bolster, bed, comfortable, cushion, or article of upholstered furniture is made, remade, or renovated, or where materials for the herein-named articles are prepared, or establishment where said articles are offered for sale, or are in possession of any person with intent to sell, deliver, or consign them, or establishment where sterilizing and disinfecting is performed, shall be subject to inspection by the department of labor and industry to ascertain whether the materials and the finished articles herein enumerated conform to the requirements of this act.

SEC. 5. No person shall sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease. (a) any mattress, pillow, bolster, feather bed, comfortable, cushion, or article of upholstered furniture, made, remade, or renovated in violation of this act; (b) any secondhand mattress, pillow, bolster, feather bed, or comfortable, unless, since last used, it has been thoroughly sterilized and disinfected by a reasonable process approved by the commissioner of labor and industry.

SEC. 6. Each and every mattress or article covered by this act, other than a feather or down filled pillow, bolster, bed comfortable, cushion, or any secondhand article of upholstered furniture, shall bear securely attached thereto and visible on the outside covering a tag, to be procured from the department of labor and industry, upon which shall be plainly and indelibly stamped or printed, in English, (a) a statement showing whether the materials used in filling said mattress or article are wholly new or secondhand or partly secondhand; (b) the name and address of maker and vendor; (c) the word secondhand upon any article of which prior use has been made; (d) the number of the permit issued for sterilizing and disinfecting.

Each and every pillow or other article covered by this act, in which feathers or down are used, shall bear securely attached thereto and visible on the outside covering a tag, to be procured from the department of labor and industry, upon which shall be plainly and indelibly stamped or printed, in English, (a) statement that the feathers or down used in filling have been sterilized and disinfected in accordance with this act; (b) the number of the permit issued for sterilizing and disinfecting the feathers or down; (c) the name and address of maker and vendor; (d) the word secondhand upon a feather or down filled article of which prior use has been made; (e) the number of permit issued for sterilizing and disinfecting.

Each and every article of upholstered furniture of which prior use has been made shall bear securely attached thereto and visible on the outside covering a tag, to be procured from the department of labor and industry, upon which shall be plainly and indelibly stamped or printed, in English, the word secondhand, together with the name and address of the vendor.

No additional information shall be contained in said statements.

SEC. 7. The statement on the tag required by this act to be attached to any article covered by this act shall be not less than 3 by 4½ inches in size.

The tag, with the replica of the seal of this Commonwealth printed thereon, shall be in the following form:

OFFICIAL STATEMENT

Materials used in filling

Made by

Vendor

Address

This article is made in compliance with the act of Assembly of Pennsylvania, approved

Permit number

It shall be unlawful for any person to imitate, counterfeit, sell, or have in his possession any imitated or counterfeited tag required under the provisions of this act.

It shall be unlawful to use, exclusively, in the said statement concerning any mattress, pillow, bolster, comfortable, cushion, or article of upholstered furniture the word "Felt," or words of like import, if any other than garnetted materials are used in filling, or the words "Curled hair," or words of like import, if other than curled hair is used in filling.

It shall be unlawful to stamp or print on a tag any misleading term or designation, or to remove, deface, alter, or in any manner attempt the same, or cause to be removed, defaced, or altered, any statement on a tag placed upon any article included in the provisions of this act.

SEC. 8. The commissioner of labor and industry is hereby authorized to contract for the printing of the tags required by the provisions of this act. The commissioner shall, upon the application to him by any person, furnish tags, with the name and address printed thereon of the maker, remaker, or renovator of any article covered by this act, in quantities of not less than 1,000 tags, for which the applicant shall pay \$10 for each 1,000 tags.

All fees collected under the provisions of this act shall be paid to the commissioner of labor and industry, and, when so collected and paid, shall thereafter be by the commissioner of labor and industry paid into the State treasury.

The State treasurer shall establish a separate fund, to be known as the bedding and upholstery fund, into which all moneys collected under the provisions of this act shall be paid, and from which all expenditures necessary in carrying into effect the provisions of this act shall be paid.

All moneys in the bedding and upholstery fund, from time to time, are hereby specifically appropriated to the department of labor and industry for the purpose of carrying into effect the provisions of this act, and for the payment of salaries and expenses of inspectors, employees, and for research, or any other necessary expenset of the department of labor and industry connected with the enforcement of this act.

The money in the bedding and upholstery fund shall be paid to the use of the department of labor and industry, in advance, from time to time, as the same is required, upon requisition by the commissioner of labor and industry.

The auditor general shall, upon requisition, from time to time, of the commissioner of labor and industry and the proper accounting for moneys already advanced from the fund, draw his warrant upon the State treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund available for the purposes herein specified at the time such requisition is made.

SEC. 9. The department of labor and industry, through its officers and employees, is hereby charged with the administration and enforcement of this act.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof in a summary action before a magistrate, alderman, or justice of the peace, shall be sentenced to pay a fine of not less than \$10 and not more than \$50 for each offense, and, in default of the payment of such fine, to undergo an imprisonment of not less than ten days for each separate offense: *Provided*, That the total term of imprisonment at one time for additional offenses shall not exceed six months.

Each mattress, pillow, bolster, feather bed, comfortable, cushion, or article of upholstered furniture, made, remade, or renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver, or consign, contrary to the provisions hereof, shall constitute a separate offense.

Each imitated or counterfeited tag made, used, sold, offered for sale, delivered, or consigned, contrary to the provisions hereof, shall constitute a separate offense.

The commissioner may revoke any permit issued under the provisions of this act if the person to whom the permit was issued has violated any provisions of this act or the rules or regulations established thereunder.

SEC. 11. It is the intention of the general assembly that, if this act can not take effect in its entirety because of any court of competent jurisdiction holding unconstitutional any part or parts hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

SEC. 12. The following acts, which this act is to replace: Act No. 90, approved May 1, 1913 (Pamphlet Laws, 134), entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of insanitary and unhealthy materials therein; requiring that the materials used shall be accurately described, and prescribing the manner in which mattresses shall be labeled; providing for the enforcement of the provisions of this act; making certain acts criminal, and punishing the same; imposing certain duties upon the commissioner of health and the chief factory inspector; and repealing legislation inconsistent with this act," which was amended by Act No. 219,⁸ approved May 14, 1915 (Pamphlet Laws, 510), and all other acts or parts of acts inconsistent herewith, or replaced hereby, are repealed.

SEC. 13. This act shall take effect January 1, 1924.

Tenement, Lodging, and Boarding Houses—Definitions—Water Supply—Toilet Facilities—Ventilation—Light—Requirements Governing Window Area, Floor Area, and Air Space in Sleeping Rooms—Repair—Cleanliness. (Reg. Dept. of H., Sept. 21, 1923)

SECTION 1. The provisions of these rules and regulations shall apply in all second and third class cities, boroughs, towns, and townships of the first and second class of the Commonwealth of Pennsylvania and shall apply equally to individuals, partnerships, firms, and corporations as owners or agents of any premises.

Any building or portion thereof hereafter altered and subsequently used as a tenement, lodging, or boarding house shall conform to all of the provisions herein required for tenement, lodging, or boarding houses hereafter erected.

SEC. 2. For the purpose of these rules and regulations tenement, lodging, and boarding houses are defined as follows:

(a) The term "tenement house" shall mean any house or building, or portion thereof, which is intended or designed to be occupied or leased for occupation, or actually occupied, as a home or residence for three or more families, living in separate apartments and doing their cooking upon the premises, and shall include apartment houses, apartment hotels, and flats.

(b) The term "lodging house" shall mean any building or portion thereof in which five or more persons not related to the proprietor or manager are furnished with sleeping accommodations, and shall include rooming houses, bachelor apartments, dormitories, barracks, bunk houses, and any other kind of building used to furnish sleeping accommodations as aforesaid.

(c) The term "boarding house" shall mean any building or portion thereof occupied for human habitation in which five or more persons not related to the proprietor or manager are furnished with meals and lodging.

SEC. 3. All tenement, lodging, and boarding houses shall be provided with an adequate quantity of pure and wholesome water for the use of the occupants thereof.

(a) Where the said water is obtained from a public waterworks system approved by the required State authorities, it shall be distributed by means of pipes as required hereinafter.

(b) Where the said water is obtained from a private source, such as a well, spring, or cistern, said source shall not be polluted or contaminated nor so situated, constructed, or maintained that it may become polluted or contaminated in any manner that may render such water supply injurious to health.

(c) In tenement houses each family shall be provided with a water supply for its separate use.

(d) In lodging and boarding houses the rooms of which are not arranged in suites or groups provided with separate water supply, and if the water is distributed by means of pipes, there shall be at least one stationary washstand for each six occupants or fraction of six.

⁸ Reprint 338 from Public Health Reports, p. 481

SEC. 4. All tenement, lodging, and boarding houses shall be provided with adequate and sanitary toilet facilities for the disposal of the excreta of the occupants thereof: *Provided, however*, That no such facilities shall be located in any room used for living or sleeping purposes or in which food is prepared or handled.

(a) Where the tenement, lodging, or boarding house is accessible to a public sewer from which sewage is lawfully discharged, the said tenement, lodging, or boarding house shall be provided with water-closet toilet facilities which shall discharge to the said sewer.

(b) Where the tenement, lodging, or boarding house is not accessible to a public sewer as aforesaid, the means of excreta or sewage disposal shall be constructed and maintained in compliance with the requirements of the "Orders and regulations of the advisory board of the department of health of Pennsylvania" relating to sanitary regulation, sewage disposal, etc., approved April 4, 1923.

(c) In tenement houses each suite or group of rooms occupied by a family shall be provided with separate toilet facilities.

(d) The minimum number of water-flushed toilets or privy seats for common or general use of the occupants of any lodging or boarding house shall be determined from the possible number of occupants thereof as follows: One water-flushed toilet or privy seat for each twelve persons or fraction of twelve; in toilet rooms for men, one urinal or 24 inches of urinal trough for each eighteen men: *Provided, however*, That the required number of water-flushed toilets or privy seats may be reduced by one-third if urinals are installed as aforesaid.

(e) In any building the upper portion of which is used as a tenement, lodging, or boarding house and the lower portion of which is used for commercial or business purposes, toilet facilities for the use of the occupants of the upper portion shall be provided separate and independent from any toilet facilities provided for the use of the employees of the said commercial or business establishment.

SEC. 5. All bathrooms, toilet rooms, and water-closet compartments in tenement, lodging, and boarding houses shall be provided with ample ventilation and light by means of window area at least equal to one-tenth of the floor area and opening directly to the outside air or by equivalent artificial means maintained in constant and satisfactory service.

SEC. 6. All rooms for living or sleeping purposes in tenement, lodging, or boarding houses shall have ample ventilation and natural light and shall be provided with windows having sash so constructed and maintained that they may be easily opened: *Provided, however*, That no cellar, basement, or lower story shall be used for living or sleeping purposes if there is any evidence of undue dampness therein:

(a) In existing buildings the required ventilation and light shall be obtained by windows opening directly to or communicating with the outside air.

(b) In buildings hereafter erected the required ventilation and light shall be obtained by windows opening directly to the outside air.

SEC. 7. No room shall be occupied for sleeping purposes in any tenement, lodging, or boarding house which does not provide the following minimum requirements per occupant.

(a) Rooms with window area in one wall: 12 square feet window area, 70 square feet floor area, and 600 cubic feet air space.

(b) Rooms with window area in two walls at right angles to each other: 10 square feet window area, 60 square feet floor area, and 560 cubic feet air space.

(c) Rooms with window area in two walls opposite each other: 8 square feet window area, 50 square feet floor area, and 520 cubic feet air space.

(d) Rooms with window area in three or more walls: 6 square feet window area, 40 square feet floor area, and 480 cubic feet air space.

SEC. 8. The owner of any tenement, lodging, or boarding house, or the owner's authorized agent, shall keep the entire building in repair including the plumbing, lighting, heating, and ventilating systems; and also shall keep the entire building in a cleanly condition, free from any accumulation of dirt, garbage, or other refuse matter: *Provided, however*, That the tenant or other lessee of any tenement house shall keep in a cleanly condition, free from any accumulation of dirt, garbage, or refuse matter, the portion of the tenement house occupied or used exclusively by the said tenant or other lessee.

PHILIPPINE ISLANDS

Municipal Sanitary Inspectors—Appointment. Health Fund—Creation and Use. Health Appropriations—Changes in. Municipal Health Employees—Appointment and Removal. Municipal Health Work—Disbursement of Funds for. (No. 3115, Act Mar. 24, 1923)

SECTION 2. Section 1008 of the Administrative Code is hereby amended to read as follows:

"SEC. 1008. *Sanitary inspectors.*—Each municipality of a sanitary division shall have one or more sanitary inspectors, appointed by the municipal council concerned, on nomination by the district health officer: *Provided*, That in the selection of the health personnel, preference shall be given to persons who have taken the civil-service examination for sanitary inspector, to high school or at least intermediate school graduates, and to those who, in the judgment of said district health officer, have had sufficient experience in sanitation and hygiene. Appointments thus made shall be forwarded to the director of health and shall take effect immediately, until otherwise provided by said director."

SEC. 3. Section 1012 of the Administrative Code is hereby amended to read as follows:

"SEC. 1012. *Health fund—How created and maintained.*—Each municipality embraced in a sanitary division shall set aside each year an amount not less than 5 per cent from its general funds, and each provincial board shall likewise set aside a like amount from its general funds, which amount, added to that appropriated by the municipalities under its jurisdiction, shall constitute a special fund to be known as the health fund, which may not only be expended for purposes of sanitation, but also for provincial hospitals."

SEC. 4. Section 2120 of the Administrative Code is hereby amended to read as follows:

"SEC. 2120. *Estimate of revenues and receipts for current year—Annual provincial budget.*—* * * Changes in the estimates and appropriations may be made by the provincial board from time to time during the year by supplemental budgets: *Provided*, That no changes shall be made to appropriations made for health without first consulting the chief of the sanitary division."

SEC. 5. Section 2199 of the Administrative Code is hereby amended to read as follows:

"SEC. 2199. *Appointment of subordinate officers and employees in general.*—Except as otherwise provided, appointments to all nonelective positions in the municipal service shall be made by the municipal president by and with the consent of a majority of all the members of the council present. This requirement shall not, however, apply to the employment of laborers engaged for the performance of authorized work, nor to local employees or laborers whose duties are connected with health work and who shall be appointed by the chief local health officer, upon recommendation by the municipal president."

SEC. 6. Section 2201 of the Administrative Code is hereby amended to read as follows:

"SEC. 2201. *Supervisory authority of president over subordinates.*—* * * *Provided*, That employees and laborers appointed by the chief local health officer as provided for in section 2199 shall not be removed by the chief local health officer without the approval of a majority of the municipal council concerned."

SEC. 7. Section 2296 of the Administrative Code is hereby amended to read as follows:

"SEC. 2296. *Annual budget.*—* * *

"Changes in the estimates and allotments of the [municipal] budget, as well as additions thereto, may in like manner be effected from time to time during the year by supplemental budgets. However, the allotments made for health work shall only be changed after previous consultation of the director of health."

SEC. 8. Section 2300 of the Administrative Code is hereby amended to read as follows:

"SEC. 2300. *Disbursement of municipal funds.*—Disbursements of municipal funds shall be made by the municipal treasurer upon properly executed vouchers, pursuant to the budget, and with the approval of the president. * * * Vouchers covering disbursements from the allotments for health work shall also be approved by the chief of the sanitary divisions, or his authorized representative. * * *

**Biologic Products—Sale—Licensing of Establishments Producing. (No. 3073
Act Mar. 16, 1923)**

SECTION 1. From and after six months after the promulgation of the regulations authorized by section 4 of this act no person, firm, or corporation shall sell, barter, or exchange, or offer for sale, barter, or exchange in the Philippine Islands, or send, carry, or bring for sale, barter, or exchange from any foreign country into the Philippine Islands or from the Philippine Islands into any foreign country any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of disease in man, unless (a) such virus, serum, toxin, antitoxin, or analogous product has been propagated and prepared by any person, firm, or corporation holding an unsuspended and unrevoked license issued by the secretary of public instruction on recommendation of the director of health, as hereinafter authorized, to propagate and prepare such virus, serum, toxin, antitoxin, or analogous product for sale in the Philippine Islands, or for sending, bringing, or carrying from or to any foreign country; (b) unless each package of such virus, serum, toxin, antitoxin, or analogous products is plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results: *Provided*, That the suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin or antitoxin, or analogous product aforesaid which has been sold and delivered by the licensee prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin, antitoxin, or analogous product as aforesaid has been notified by the secretary of public instruction not to sell, barter, or exchange same.

SEC. 2. No person shall falsify, relabel, or remark any package or container of any virus, serum, toxin, antitoxin, or analogous product aforesaid; nor alter any label or mark on any package or container of any virus, serum, toxin, antitoxin, or analogous product aforesaid so as to falsify such label or mark.

SEC. 3. Any officer, agent, or employee of the bureau of health duly authorized by the director of health for that purpose, may, for the safeguarding of the public health, enter and inspect any establishment for the propagation and preparation of any virus, serum, toxin, antitoxin or analogous product aforesaid for sale, or exchange in the Philippine Islands, or to be sent, carried, or brought from the Philippine Islands into any foreign country or from any foreign country into the Philippine Islands.

SEC. 4. A board is hereby created, composed of the secretary of public instruction as chairman, and the director of health and the director of bureau of science as members, with authority to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the cure of disease of man and intended for sale in the Philippine Islands or any other country: *Provided*, That all licenses issued for the propagation and preparation of any virus, serum, toxin, antitoxin or analogous product aforesaid imported for sale, barter or exchange in the Philippine Islands shall be issued upon condition that licenses [licensees] shall permit the inspection of the establishments where said articles are propagated and prepared in accordance with section 3 of this act. Applications in accordance with the provisions of this act shall be submitted to the secretary of public instruction, who is hereby authorized and directed to issue, suspend or revoke, upon recommendation of the director of health, licenses issued in accordance with this act.

SEC. 5. No person shall interfere with any officer, agent, or any employee of the Philippine Government in the performance of any duty imposed upon him by this act, or by regulations made by authority thereof.

SEC. 6. Any person who shall violate, or aid or abet in violating, any of the provision of this act shall be punished by a fine not exceeding 1,000 pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

PORTO RICO

Biologic Products—Keeping and Sale. (Sanitary Regulations No. 75, Promulgated Jan. 19, 1923)

SECTION 1. No person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store in the island of Porto Rico, shall offer for sale any biological product without previously having obtained a license from the insular department of health.

SEC. 2. All biological products kept for public sale by any person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store in the island of Porto Rico, shall be stored in refrigerators, the temperature of which shall not be greater than 12.5° C. or 55° F.: *Provided*, That all biological products that are kept outside of the refrigerator shall be seized according to the provisions of regulation No. 53.

SEC. 3. Refrigerators designed for the storing of these biological products shall be open to inspection, for investigation purposes, by any inspector of the insular department of health from 6 a. m. to 10 p. m.

SEC. 4. The insular department of health shall provide each inspector engaged in this work, with a certified thermometer, the mercurial column of which shall be visible and the degree of temperature marked, easy to read; and said inspector shall be duly instructed in the use of it.

SEC. 5. If the sanitary inspector should find, at any moment and during the investigation, that the refrigerator used for the keeping of biological products has a temperature greater than 12.5° C. or 55° F., this would be sufficient reason for the said inspector to proceed to the confiscation, as provided above in section 2, of all the biological products found, at that moment, in the refrigerator.

SEC. 6. The insular department of health shall revoke all licenses granted pursuant to this regulation, to any person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store, incurring in a second offense; and this person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store shall not offer for sale any biological product for a period of not less than six months.

SEC. 7. The insular department of health shall revoke definitely the license of any person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store, violating these rules and regulations for a third time; and shall direct a communication to all physicians of the island of Porto Rico notifying them that such person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store, is prohibited from offering or exhibiting for sale any biological product.

SEC. 8. The license issued by the insular department of health authorizing the selling of biological products shall be so conspicuously placed over the refrigerator used for the storing of these products that it may readily be seen at all times.

SEC. 9. The infringement of any of the dispositions of this regulation shall be punished as provided by article 33 of "An act to reorganize the service of sanitation," approved March 14, 1912.

Insular Puericultural and Maternity Institute—Establishment, Purposes, Operation, and Maintenance. (No. 38, Act July 11, 1923)

SECTION 1. There is hereby created an insular puericultural and maternity institute with hospitalization annexed thereto, for the purpose of promoting in Porto Rico theoretic and practical teaching of the manner of attaining the best development of children during their early infancy, and to promote in Porto Rico theoretic and practical teaching of such hygienic rules as should be observed by women in pregnancy until childbirth so that children at birth shall attain the best development possible, thus avoiding the considerable number of miscarriages and stillbirths. For the aforesaid purposes two dispensaries shall be established in said institute, one for consultation of women in pregnancy and another for consultation of diseases of children.

SEC. 2. Said institution besides fulfilling the purposes herein expressed, shall establish a school for nurses who shall devote themselves specially to midwifery and children. Such nurses as shall pursue their theoretical and practical studies in the specialization of this branch in the institution created by this act, may, after establishing their sufficiency, in the opinion of a proper commission, receive a diploma which shall entitle them to present themselves for examination before the board of medical examiners of Porto Rico so as to secure a proper certificate: *Provided*, That physicians practicing in the said institution for a term of not less than one year may receive a certificate setting forth such practice in this specialty.

SEC. 3. The aforesaid institute, fulfilling its duty as a hospital, shall be devoted to the hospitalization and temporary treatment of women from the eighth month of pregnancy to the end of the puerperal period, who because of their poverty or for lack of a home or adequate means can not, without detriment to their health or danger to life, comply with the functions of maternity. Women confined in the jails of Porto Rico and serving sentence in the penitentiary shall also be admitted to said institute, in separate departments, from the eighth month of pregnancy to the end of the puerperal period, or when because of any accident in the development of gestation, they require obstetric medical assistance.

SEC. 4. The municipal commissioner of health of each town shall judge of the conditions in each case as the same relate to the medical as well as the financial-social aspect of each applicant for admission, and shall make a detailed report of all the facts to the commissioner of health of Porto Rico on printed forms which the latter shall prepare and distribute among all the municipal commissioners of health.

SEC. 5. The insular puericultural and maternity institute shall be a dependency of the insular department of health of Porto Rico, and the insular commission of health shall assume all powers, duties, and obligations connected with the government and administration of said institute, shall regulate its work, and shall distribute among the several towns of the island such vacancies as may occur among such applicants as according to reports received have greatest need of admission.

SEC. 6. In subsequent appropriations for the department of health such appropriations as may be necessary for the maintenance of women and children, inmates of the institute, shall be included, as well as appropriations for payment of the managing technical personnel and subordinate employees of the institute, and also for the acquisition of such equipment as may be necessary, and for expenses of transportation of patients from the different towns of the island.

SEC. 7. It will not be necessary to make appointments of physicians and nurses in the maternity institute in accordance with the civil-service act: *Provided*, That the office of medical director of the insular puericultural and maternity institute shall be filled by competitive examinations.

SEC. 8. Whenever there are vacant places which without detriment to persons entitled thereto may be offered to other parturient women, women not included in the provisions of this act may be admitted upon payment of such daily stipend and under such conditions as may be established in the regulations of the institute. Any moneys so received shall be deposited in the treasury of Porto Rico to the credit of a special fund for the puericultural and maternity institute to be expended exclusively by the commissioner of health of Porto Rico for such improvements as the progress of the establishment may require.

SEC. 9. For the installation of said institute a building shall be constructed ad hoc on lands of the University of Porto Rico, selected by the commission hereinafter prescribed.

SEC. 10. For the construction of the aforesaid building there is hereby appropriated the sum of \$60,000 out of any funds in the treasury of Porto Rico not otherwise appropriated.

SEC. 11. To carry out the provisions of this act there is hereby created a commission to be known as the "Commission for the organization of the puericultural and maternity institute," which commission shall be composed of the commissioner of health, the chairman of the insular board of health, and the commissioner of the interior, which commission shall carry out the following provisions:

(a) It shall select the site for the institute on lands at present belonging to the University of Porto Rico.

(b) It shall consider and approve such plans for the construction of the building as the department of the interior may prepare.

RHODE ISLAND

Health Inspection in Schools—State Aid to Cities and Towns Providing for. (Ch. 2348, Act May 29, 1923)

SECTION 1. Section 1 of chapter 725 of the Public Laws, entitled "An act to promote the health of school children," passed at the January session, 1911, is hereby amended to read as follows:

"**SECTION 1.** There shall be an annual appropriation for the promotion of the health of school children in the several towns and cities of this State, and said appropriation shall be apportioned annually by the State board of education among towns and cities conforming to the provisions of this act. Any town or city providing for inspection of school health by physicians or for visitation and promotion of the health of school children by registered nurses shall, if the work of physicians and nurses be approved by the State board of education, be entitled to receive annually from the State appropriation an amount equal to one-half its annual expenditure for such purposes: *Provided*, That in no case shall the annual apportionment to any town or city exceed \$250. The school committee of any town or city may employ one or more school physicians or one or more visiting registered nurses for the purposes of this act. Said school physicians shall at least once each year make an examination of the pupils, teachers, and janitors of the schools, public and private, assigned to his care, and of the buildings and surroundings thereof, and shall make report of such examinations to the superintendent of schools in said town or city for such action as may be necessary."

SEC. 2. This act shall be in effect on and after September 1, 1923, and all acts and parts of acts inconsistent herewith are hereby repealed on and after September 1, 1923.

Children—Standard Physical Examination of, as Prerequisite to Employment. (Ch. 2367, Act June 13, 1923)

[Clause 2 of section 1 of chapter 78 of the General Laws, as amended by section 2 of chapter 2367 of the Acts of 1923, contains the following with respect to the physical examination of children required before being employed:]

"The State board of health shall fix the requirements of a standard examination and shall make rules and regulations pertaining thereto."

Milk—Repeal and Renumbering of Certain Sections of the General Laws Relating to. (Ch. 2319, Act May 4, 1923)

SECTION 1. Section 21 of chapter 173 of the General Laws, entitled "Of milk," as renumbered and made section 20 by section 4 of chapter 2070 of the Public Laws, passed at the January session, A. D. 1921, is hereby repealed.

SEC. 2. Sections 22 and 23 of said chapter 173, as renumbered and made sections 21 and 22 by section 4 of chapter 2070 of the Public Laws, passed at the January session, A. D. 1921, are hereby renumbered to read, respectively, sections 20 and 21.

Certain Food Establishments—Sanitary Requirements. (Ch. 2331, Act May 14, 1923)

SECTION 1. Section 20 of chapter 78 of the General Laws, entitled "Of factory inspection," as added by chapter 576 of the Public Laws, passed at the January session, A. D. 1910, is hereby amended so as to read as follows:

"**SEC. 20.** All buildings or rooms used or occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, ice cream or confectionery manufactories, or where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows, or ventilating pipes sufficient to insure adequate and proper ventilation.

No cellar, basement, or place which is below the street level shall hereafter be used or occupied for the purposes mentioned in this section: *Provided*, That the same may be so used or occupied by the present occupant only: *Provided, further*, That any cellar, basement, or place below the street level which complies with the following requirements, in addition to those otherwise provided in this chapter, may be so used and occupied: The ceiling shall be of plaster, cement, tile, metal, or other impermeable material. The floor and walls shall be of even, smooth cement, or of even smooth tiles embedded in cement. The floor, walls, and ceiling shall be impervious to seepage of moisture. The floor shall be properly and adequately drained. The distance from floor to ceiling shall be at least ten feet. There shall be proper and adequate illumination. There shall be proper and adequate ventilation, either by windows opening directly outside the building or by such mechanical system as will adequately and properly supply fresh air and exhaust used air, steam, vapors, gases, and excess heat."

Cattle Imported into State—Tuberculin Testing of Suspected Animals—Destruction of Diseased Animals—Payments to Owners. Cattle for Breeding Purposes—Importation. (Ch. 2317, Act May 1, 1923)

SECTION 1. Section 18 of chapter 120 of the General Laws, entitled "Of the Rhode Island State board of agriculture," is hereby amended so as to read a[s] follows:

"SEC. 18. If after such examination the cattle commissioner shall be of the opinion that the cattle or any of the cattle so examined are afflicted with tuberculosis, he shall require of the importer that the suspected cattle be tested with tuberculin, said test to be applied by a veterinarian who is a graduate of a recognized veterinary college, who shall give to the said commissioner a certificate in writing that such test has been applied, together with a statement of the tuberculin used, the quantity injected, temperature of each animal before inoculation and at the eleventh and every two subsequent hours thereafter for at least ten hours, or until reaction is complete, and a duplicate thereof shall be given to the owner of said cattle, and the original certificate shall be sent by the said commissioner to the secretary of the State board of agriculture. If after such test it shall be proved that such suspected cattle are afflicted with tuberculosis, such diseased cattle shall be immediately slaughtered upon written order of said commissioner, and the State shall not be required to compensate the owner for their loss, and the owner shall pay for testing such cattle, with tuberculin; but if such cattle shall be found free from tuberculosis they shall be released for the use and benefit of the owner. If any such cattle are slaughtered and upon post-mortem examination it shall be found the slaughtered animal was not afflicted with tuberculosis, then the animal so killed shall be paid for by the State at its full appraised value, in accordance with the provisions of section eleven of this chapter: *Provided, however*, That said State board of agriculture, may in its discretion, and after requiring of the importer a bond to keep any rules and regulations and requirements that said board may adopt as to quarantine, and to pay all expenses incident to the enforcement of the said rules and regulations and requirements, permit the importation of a male animal for breeding purposes only, without requiring the certificate provided for in section 14 hereof and in this section and without requiring that said animal be slaughtered: *And provided further*, That no compensation shall be paid to such importer if at any time said board should decide that such animal shall be killed: *And provided, further*, That the total number of importations of such male animals shall not exceed three in any calendar year."

Births, Deaths, and Marriages—Annual Report—Preservation of Returns—Certified Copies of Records—Transfer of Records from Secretary of State to Secretary of State Board of Health. (Ch. 2321, Act May 4, 1923.)

SECTION 1. Section 2 of chapter 121 of the General Laws, entitled "Of the registration of births, deaths and marriages," as amended by chapter 1239¹ of the Public Laws, passed at the January session, A. D. 1915, is hereby amended so as to read as follows:

"SEC. 2. The secretary of the State board of health shall receive the returns made in pursuance of the preceding section, and annually make a general abstract and report thereof, in form as prescribed by section 3 of this chapter, and

¹ Reprint 338 from Public Health Reports, p. 502.

publish and print not exceeding 1,000 copies thereof; and for preparing, tabulating, and publishing said annual report, including all clerical assistance needed therefor and the printing and binding of said report, the sum of \$1,700 is hereby annually appropriated to be paid to the State registrar. Said returns, after such report is prepared, shall be kept permanently by the secretary of the State board of health, who shall cause the same to be arranged, full alphabetical indices of all the names to be made, and the whole to be bound in volumes of convenient size and carefully preserved in his office."

SEC. 2. Chapter 121 of the General Laws, entitled "Of the registration of births, deaths, and marriages," is hereby amended by adding thereto the following section:

"SEC. 26. The secretary of the State board of health is hereby authorized to furnish certified copies of records of births, deaths, and marriages upon request. The fee for issuing copy of any birth, death, or marriage shall be 50 cents and the moneys received for such service shall be paid monthly into the general treasury."

SEC. 3. Within thirty days after the passage of this act the secretary of state shall transfer into the custody of the secretary of the State board of health the returns arranged in bound volumes which are now in his possession and shall take a receipt therefor.

SOUTH CAROLINA

Pupils—Annual Medical and Dental Inspection of. (No. 131, Act Mar. 21, 1923)

SECTION 1. *Act (1920, XXXI Stats. 1046) Amended—Time for physical examination of pupils in public schools.*—That section 1 of an act¹ entitled "An act to provide for the annual physical examination by physicians and dentists of all children attending public schools," approved the 11th day of March, A. D. 1920, be amended on line 5 thereof by inserting between the words "first" and "month" the word "three" and adding the letter "s" to the word "month," so that said section, when so amended, shall read as follows:

"**SECTION 1.** That the board of trustees of any school district of this State be, and hereby are, authorized and empowered to arrange for, and shall require, annually, a medical and dental inspection of all pupils attending the public schools of said district during the first three months of attendance, to ascertain the presence of any contagious or infectious disease or any disease or defect of the eye, nose, mouth, throat, lungs, or skin, detrimental to the welfare of any child affected therewith: *Provided*, That an inspection by any licensed physician and dentist, or by any competent health officer or trained nurse approved by the State board of health, and a report by them in standard form adopted by such board, giving the result of their inspection, shall be deemed a sufficient inspection, and no further inspection shall be required of any child so inspected: *Provided further*, That the results of the inspection of any child shall not be made public, but shall be considered confidential by the school authorities of said district, except that the same may be communicated to the parents or any person in charge of such child, for their information, and any case of infectious or contagious disease shall be promptly reported to the proper board of health: *Provided*, That not over 10 cents per child shall be charged each for dental or medical inspection, same to be paid out of the school funds of the respective school district."

¹ Supplement 43 to Public Health Reports, p. 392.

SOUTH DAKOTA

Disease Germs—Releasing or Spreading of, with Intent to Infect Any Person or Domestic Animal Made a Felony. (Ch. 160, Act Feb. 27, 1923)

SECTION 1. Every person who releases or spreads any disease germs intending thereby to accomplish the infection of one or more persons or domestic animals is guilty of a felony and shall be punished by imprisonment in the State penitentiary not less than one nor more than ten years.

State Tuberculosis Hospital—Admission, Care, Treatment, and Maintenance of Patients. (Ch. 291, Act Mar. 12, 1923)

SECTION 1. That section 5542 of the South Dakota Revised Code of 1919 be amended to read as follows:

"SEC. 5542. *Patients admitted.*—No patient shall be admitted to the sanitarium except those afflicted with pulmonary tuberculosis in the incipient state and who show reasonable probability of satisfactory improvement by treatment therein. The cost of treatment of each patient therein is hereby fixed at \$11 per week. Any person wishing to become a patient in the institution shall first make application to the county judge of the county, which application shall be made in duplicate, and, if it can be so done, upon blanks prepared by the superintendent of such sanitarium, and such blank shall require a statement of how long the applicant has resided in the county and State, where application is made; a statement as to his age, particular place of residence, post-office address, whether married or single, name of wife or husband, children, parents, brothers or sisters, if any, give their post-office address; also a statement of applicant's present and prospective financial condition, the name and residence of any person liable for his or her support; a statement whether the applicant will be able to pay the expense of his treatment in the sanitarium, together with a statement as to his family history which will aid the physician hereinafter authorized to examine such applicant and the superintendent of the sanitarium in determining whether such applicant is eligible for treatment in the sanitarium. If it appears from such application that the applicant has been a bona fide resident of this State for a period of one year and has a legal settlement in the county and if not where such legal settlement is, and has not come into this State and the county for the purpose of gaining a residence to secure admission to said sanitarium, the county judge shall at once notify the State's attorney of the county of such application and shall require such applicant to be examined by the physician appointed by the superintendent and in the absence of such physician or inability to act, the county judge may appoint some other practicing physician to make such examination. Such physician shall examine fully such applicant with the view of determining whether he is afflicted with incipient pulmonary tuberculosis and shall obtain in duplicate, full and complete answers to the questions on blanks which are furnished him by the superintendent of said sanitarium for that purpose, and shall add any additional information which the physician may possess or which he may obtain from reliable sources which may aid in determining the applicant's eligibility for admission to such sanitarium. When such examination is completed, such physician shall make a report of the same in duplicate to the county judge. On receipt of the report of the physician's examination, if it appear therefrom and from the application that said applicant is eligible for treatment in said sanitarium, the county judge shall forward one copy of the duplicate applications with one copy of the physician's report to the superintendent of such sanitarium, who shall examine the same, and if he finds therefrom that the applicant is in all respects under the law entitled to admission he shall so advise the county judge as to whether there is room for such applicant, and if there is not, as to when he could probably be received. If such superintendent advise such applicant is not eligible for admission, he shall so notify said applicant direct, by mail, and shall also notify the

county judge: *Provided*, That if the applicant has not been received in the sanitarium within thirty days after his examination by the physician in the county, the superintendent of the sanitarium may in that case require an additional examination before admission. If, however, the superintendent after receiving the report of the examining physician is in doubt as to whether it is a case of incipient pulmonary tuberculosis, he may personally examine the applicant in case he presents himself at the institution for that purpose."

SEC. 2. That section 5543 be amended to read as follows:

"SEC. 5543. *Superintendent to appoint physicians in county.*—'The superintendent of the sanitarium shall appoint in each county of the State, subject to the approval of the county judge of the county, one reputable physician, duly licensed in this State, whose appointment may be discontinued at the pleasure of such superintendent, whose duty it shall be to examine all persons making application to be admitted as patients to the sanitarium, whose duty it shall be to make the examinations provided in the preceding section. For making such examinations such physician shall be entitled to a fee, which fee shall be paid by the county, unless the applicant or his relatives or friends are willing to pay the same; when paid by the county such fee shall be charged to and collected by the county from the patient or any person liable for his support in the same manner as charges for his treatment are collected."

SEC. 3. That section 5544 be amended to read as follows:

"SEC. 5544. *Hearing before county judge.*—On receipt of notice from the superintendent of the State sanitarium that such applicant is eligible for admission thereto, the county judge shall set a time and place for hearing such application and shall notify the applicant and the State's attorney by mail of the time and place: *Provided*, That if the application discloses that the applicant has a legal settlement in a county other than the one wherein application was made, the county judge shall mail notice of the time and place of the hearing to the State's attorney of the county wherein the applicant has legal settlement: *Provided further*, That if upon the hearing it appears that the applicant or the persons legally liable can not pay for the care of the applicant and that the county must pay therefor, and that the applicant has legal settlement in another county the county judge shall stay such hearing and shall immediately notify the State's attorney of the county wherein it appears that the applicant has legal settlement of the time and place where such hearing shall be resumed. The issues to be tried at such hearing shall be the legal settlement of the applicant, and as to what amount[,] if any, the applicant or those legally liable for his support are able to pay per week for the treatment of the applicant[,] the State's attorney[s] representing their respective counties and the burden of proof being on the applicant. If upon such hearing the county judge finds that the applicant is able to pay \$11 a week, he shall make an order that the cost of treatment shall be paid into the county treasury of the county wherein the applicant resides by the applicant or by the person or persons legally liable for his support, and shall require of the applicant or the person or persons liable for his support an undertaking running to such county in the sum of \$500 with two or more sufficient sureties, to be approved by the county judge, conditioned for the payment into the county treasury, for the county of which such applicant is a resident, of the sum of \$11 per week at the end of each and every month. If upon such hearing the county judge finds that the applicant or those liable for his support is or are unable to pay any part of said \$11 per week, the judge shall make an order that the cost of the treatment shall be paid by the county in which the applicant has a legal settlement. If, however, upon such hearing the applicant, in the opinion of the county judge, is able to pay a part of said \$11 per week, but not the whole thereof, the judge shall make an order finding the amount that the applicant is able to pay and the balance of the \$11 per week shall be paid by the county in which the applicant has a legal settlement, and the judge shall require the applicant to enter into an undertaking in the sum of \$300 with two or more sufficient sureties to be approved by the judge, conditioned that the applicant will pay at the end of each month into the county treasury of the county in which he has legal settlement, the amount the county judge has found him able to pay, such undertaking to be filed with the county auditor: *Provided*, The county judge shall cause stenographic copies, in triplicate, of the testimony taken at such hearing to be made and in case of a contest between counties the findings of the county judge and his order shall also be made in triplicate and one copy filed in the office of the county auditor of each contesting county, and one copy of each

¹ This sentence reads so in the session laws.

transmitted to the superintendent of said sanitarium. When there is no such contest between counties, such copies shall be made in duplicate, a copy of such testimony together with a copy of the findings and order shall be so filed with the county auditor of the county and copies of the same transmitted to the superintendent of the State sanitarium."

SEC. 4. That section 5546 be amend to read as follows:

"SEC. 5546. *Duties of county auditor and county treasurer.*—It shall be the duty of the county treasurer of each county having patients in the sanitarium to receive and receipt for all sums of money due from such patients to his county, and which receipts shall be made in triplicate, on[e] copy of which shall be filed with the county auditor: *Providing further,* That it shall be the duty of the county treasurer of each county having patients in the sanitarium to remit to State treasurer at the end of each quarter of the calendar year \$11 per week for each and every patient from such county, while in such sanitarium and when the same is remitted to notify the county auditor. At the end of each quarter the superintendent of such sanitarium shall render a statement to the auditor and treasurer of each county having one or more patients in the sanitarium, showing the amount due for each patient for the quarter, and the superintendent shall make a brief statement as to the progress and physical condition of each patient: *Provided further,* It shall be the duty of the superintendent of the sanitarium to furnish at once to the county auditor of the county and to the county judge wherein the legal settlement is found to be, the name of each patient discharged, whether recovered, paroled, or on visit."

SEC. 5 That section 5547 be amended to read as follows:

"SEC. 5547. *Method of collecting costs of treatment.*—The cost of treatment of patients at the State sanitarium shall be met, primarily, by the State by appropriations made therefor: *Provided,* That such cost shall be a charge upon each county sending patients to such sanitarium at the rate of \$11 per week per patient: *Provided further,* That the cost of each patient shall be a charge upon such patient in favor of the county sending him or her to such sanitarium so far as he or she or the persons legally liable for his or her support are able to pay the same: *Provided,* The statute of limitations shall not begin to run against such account until the final discharge of such patient from said sanitarium, but nothing herein contained shall prevent the enforcement of collection prior to that time."

SEC. 6. *Uniform system of accounts.*—It shall be the duty of the State executive accountant in consultation with the State auditor and attorney general to devise properly a uniform system of keeping accounts between the county and its patients in the State sanitarium and between the county and the State, to the end that there may be a uniform system of keeping such accounts in all counties of the State. It shall be the duty of the committee named above to have prepared and published under the provisions of the law governing public printing and supplies, an account book for each county, in stock form, incorporating such uniform system of accounts. Such book may be a separate book or may be a separate division in any similar book provided for keeping the accounts of the insane in the county. The expense of such publication shall in the first instance be paid by the State, but when published the book shall be forwarded by the State auditor to the county auditor[s] to [of] the respective counties of the State and expense of publication shall be charged and paid by the respective counties. It shall be the duty of the county auditor, immediately after the receipt of the account book herein provided, to call to his assistance the county judge, the State's attorney and the clerk of courts in accordance with such direction as may be prescribed by the State executive accountant and make up and enter in said account book a statement as to each patient from the county and in the State sanitarium and of any patient which may have been discharged therefrom who may be owing the county any portion of the amount charged to him for his treatment therein, giving as far as possible the information required under this act and other provisions of law, including a statement of the account of such patient or anyone liable to the county for his or her support. The county auditor shall upon receipt of the statement from the superintendent of said State sanitarium requiring payment for the care of patients therein enter the proper charge against the respective patients and shall notify those legally bound for the support of such patients requiring them to pay the same, which payment shall be made to the county treasurer of the county in which such charge has been made, and when such payment is made a receipt shall be issued, in triplicate, and one copy of such receipt shall be filed with the county auditor who shall give proper credit for the same. On failure of such patients or those

legally liable for his [sic] support to make such payments it shall be the duty of the county auditor to call the attention of the State's attorney to the failure to make such payment and it shall be the duty of the State's attorney to enforce the same. The county auditor shall also note upon his record information in regard to each patient which may be transmitted to him from time to time by the superintendent of such sanitarium and which he shall derive from any other source.

County Hospital—Operation of, as a Tuberculosis Hospital or the Establishment of a Tuberculosis Department in, Authorized. (Ch. 247, Act Mar. 6, 1923)

SECTION 1. There shall be added at the end of section 7694 as amended by chapter 282 of the Session Laws of 1919, an additional paragraph to be numbered 13.

"(13) The board of trustees of any county hospital, either operating now or in the process of construction, or to be established in the future under the provisions of this chapter, is hereby authorized to operate said hospital as a tuberculosis sanitarium, if deemed advisable, or to provide as a department of said public hospital suitable accommodations and means for the care of persons afflicted from [with] tuberculosis. The board of trustees may formulate such rules and regulations for the government of such patients and the protection from the infection of other patients and nurses, and attendants in such public hospital as they may deem necessary, and it shall be the duty of all persons in charge of or employed in such hospitals, or residents thereof, to faithfully obey and comply with any or all of such rules and regulations."

Filled Milk—Manufacture or Sale Prohibited. Condensed, Evaporated, or Powdered Skimmed Milk—Sale—Labeling of Containers. (Ch. 192, Act Mar. 12, 1923)

SECTION 1. It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof, or under any fictitious or trade name whatsoever.

SEC. 2. It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange, or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed, evaporated or powdered skim milk in containers holding less than 10 pounds avoirdupois net weight, and each said container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled, or printed thereon, together with the words "Condensed skim milk," or "Powdered skim milk," as the case may be, in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation, or label.

SEC. 3. Any violation of any of the provisions of this section [act] is hereby declared to be a misdemeanor, and any person whether individually or as a member of a partnership or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than \$50 nor more than \$100, or by both such fine and imprisonment.

SEC. 4. The dairy expert by himself or by his assistants, chemists, inspectors, or agents, shall be charged with the enforcement of the provisions of this section [act].

SEC. 5. Nothing in this section [act] shall be construed to prohibit the shipment into this State from a foreign State and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles, the manufacture, sale, or exchange of which or possession of which, with intent to sell or exchange, is prohibited hereby.

SEC. 6. Should any subsection or subsections or any part of a subsection or subsections of this section [act] become or be declared to be inoperative or void for any cause or reason whatsoever the remainder of the subsection or of such subsections shall be and remain in full force and effect.

Substitutes for Butter—Certain Words, Symbols, or Representations not to be Used in Connection with the Sale or Advertisement of. (Ch. 189, Act Mar. 12, 1923)

SECTION 1. No person, firm, or corporation shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," except as required by the dairy law of this State, or the name or representation of any breed of dairy cattle or any combination of such word or words and representation, or any words or symbols or combination thereof commonly used in the sale of butter.

Penalty.—Whoever violates the provisions of this act shall, upon conviction, be liable to a fine of not less than \$10 nor more than \$100.

Food—When Deemed Misbranded. (Ch. 193, Act Feb. 27, 1923)

SECTION 1. That section 7809 of the Revised Code of 1919 be, and the same is hereby, amended to read as follows:

"SEC. 7809. '*Misbranded*' defined.—The term '*misbranded*' as used in this article shall apply to all substances used as food or which enter into the composition of food the package or label of which shall bear any statement, design, or device regarding such substance or the ingredients contained therein which shall be false, deceptive, or misleading in any particular, and to any food product which is falsely branded as to the State, territory, or country in which it is manufactured or produced; and for the purpose of this article a food product shall also be deemed to be misbranded:

"1. If it be an imitation of or offered for sale under the distinctive name of any other food product.

"2. If it be so labeled or branded as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance contained therein.

"3. If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, together with the name and address of the real manufacturer or jobber or other person responsible for placing the product upon the market: *Provided, however,* That reasonable variations as to the quantity of the contents of package shall be permitted, and tolerance and exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 7793.

"4. If the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients, or the substance contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced; second, in the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word '*compound*,' '*imitation*,' or '*blend*,' as the case may be, together with a statement of the character and constituents thereof, is plainly stated on the package in which it is offered for sale: *Provided,* That the term '*blend*' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further,* That nothing in this act shall be construed as requiring or compelling proprietors or manufactures of proprietary foods which contain no unwholesome ingredients to disclose their trade formulas, except in so far as the provisions of this act (or the rules and regulations of the State food and drug commissioner[]) may require to secure freedom from adulteration or misbranding.)"

Bakery Products—Return of, Prohibited—Unhealthful Practices in Connection with the Distribution of, Prohibited. (Ch. 188, Act Mar. 12, 1923)

SECTION 1. That section 1 of chapter 239, Session Laws of 1921, be, and the same is hereby, amended to read as follows:

* * * * *

"(b) No bread or other bakery products shall be returned from any consumer or other purchaser to the dealer or baker, nor from any dealer to the baker, nor shall any baker or dealer directly or indirectly accept any returns from or make any exchange of bakery products with any person. All such products shall be kept moving to the consumer without unreasonable delay, and without any practice whatsoever which may disseminate disease or contagion among or inflict fraud upon the consumer[s], or disseminate the infection known as 'rope' or other infection in bakeries, or otherwise cause waste in the food supply."

Eggs—Candling—Traffic in. (Ch. 190, Act Mar. 2, 1923)

SECTION 1. That section 6 of chapter 208² of the Session Laws of 1919 be, and the same is hereby, amended to read as follows:

"SEC. 6. Every person, firm, or corporation engaged in the business of buying eggs in this State for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used, or sold to be used for human food. Persons, firms, or corporations buying eggs from producers shall render to the producer after such eggs have been candled as herein required a statement which shall show the total number of eggs received from the producer and the number of eggs rejected by the process of candling as unfit for human food."

Habit-forming Drugs—Sale or Dispensing. (Ch. 191, Act Mar. 8, 1923)

SECTION 1. That section 7858 of the South Dakota Revised Code of 1919 be, and the same is hereby, amended to read as follows:

"SEC. 7858. *Sale and distribution regulated.*—It shall be unlawful for any person to sell, barter, distribute, or give away any opium, coca leaves, or any compound, manufacture, salt, derivative or preparation thereof: *Provided*, That this article shall not apply:

"1. To the dispensing or distributing of any of such drugs to any patient by a duly licensed practicing physician, either in person or by a duly authorized nurse or attendant in charge of such patient: *Provided*, Such distribution or dispensing shall be in the course of his professional practice only and that such physician shall personally attend such patient.

"2. To the sale, dispensing, or distribution of any such drugs by registered pharmacists to a consumer under and in pursuance of a written prescription issued by a duly licensed and practicing physician: *Provided, however*, That such prescription shall be dated as of the date on which it is signed, and shall be signed by the physician who shall have issued the same: *And provided further*, That such prescription shall not be filled later than five days after the date thereof, and shall not be refilled, and the person filling such prescription shall indorse thereon the date of filling the same, and the name and address of the person to whom he delivers the drug as prescribed.

"3. To the sale or dispensing of any such drugs by any wholesale druggist, dealer, or jobber within this State to registered pharmacists within this State owning and conducting a retail drug store or to a duly licensed and practicing physician, dentist, or veterinarian within this State.

"4. To the sale or distribution of any such drugs by any registered pharmacist owning and conducting a retail drug store within this State to a regularly licensed and practicing physician, dentist, or veterinarian within this State.

"5. To the administering of any of such drugs to any patient by a duly licensed and practicing physician within this State: *Provided, however*, That such administering shall be in the course of his professional practice only.

"6. To the administering of any such drugs by any duly licensed veterinarian in this State to any animal which such veterinarian may be treating in the course of his professional practice."

SEC. 2. That section 7862 of the South Dakota Revised Code of 1919 be, and the same is hereby, amended to read as follows:

² Supplement 42 to Public Health Reports, p. 817.

Sec. 7862. Limit to quantity in preparation.—The provisions of this article shall not be construed to apply to the sale, distribution, giving away, or dispensing of preparations and remedies which do not contain more than 2 grains of opium or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them, in 1 fluid ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any synthetic substitute for them; *Provided*, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicine and not for the purpose of evading the intentions and provisions of this article: *And provided further*, That any manufacturer, producer, compounder, or vendor, including dispensing physicians, of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the commissioner shall direct, but such direction shall be in conformity with the regulations of the Commissioner of Internal Revenue of the United States Department of the Treasury for the keeping of such records. All records shall be kept for a period of two years in such a way as to be readily accessible for inspection by any officer named in section 7859 of this article. This article shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine."

Sec. 3. That section 7863 of the South Dakota Revised Code of 1919 be, and the same is hereby, repealed.

Peyote or Mescal Button—Possession, Sale, or Dispensing of, Prohibited. (Ch. 159, Act Feb. 26, 1923)

SECTION 1. That it shall be unlawful for any person, firm, corporation, or association to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in his or its possession peyote (pellote), botanically known as *Lophophora williamsii*, or *Agave americana*, commonly known as the mescal button, or any compound, derivative, or preparation thereof.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$500 or imprisoned in the county jail for a period of not to exceed six months, or by both [sic] such fine and imprisonment.

Communicable Diseases in Livestock—Counties, Cities, and Towns Authorized to Appropriate and Expend Money for the Control or Eradication of. (Ch. 287, Act Mar. 2, 1923)

SECTION 1. That boards of county commissioners and governing bodies of cities and towns are authorized to appropriate and expend money for the control or eradication of any infectious, contagious, and communicable diseases among livestock within their respective corporate limits. Such funds shall be used in co-operation with the State livestock sanitary board and the Federal Bureau of Animal Industry.

Certified Copies of Birth or Death Certificates and Abstracts of Marriage, Divorce, or Naturalization Records—Furnishing of. (Ch. 120, Act Feb. 15, 1923)

SECTION 1. That section 9 of chapter 92³ of the Laws of the Special Session of 1920 be, and is hereby, amended to read as follows:

"**SEC. 9.** The director of vital statistics shall furnish any applicant therefor a certified copy of the record of any certificate of birth or death or abstract of marriage, divorce, or naturalization recorded under the provisions of this act, upon the payment of a fee of \$1 for the making and certification of each certificate or abstract, to be paid by the applicant: *Provided, however*, That no charge shall be made for certified copies of birth, death, marriage, or divorce records when requested or required in pension claims of widows or soldiers of the Civil and Spanish-American Wars and in compensation and insurance claims of widows and soldiers of the World War. Such copy of the record in the office of the director of vital statistics, when certified by the director of vital statistics to be a true transcript therefrom, shall be prima facie evidence of the facts therein stated in all courts in this State."

³ Supplement 43 to Public Health Reports, p. 402.

TENNESSEE

Administrative Code—Provisions of, Relating to the State Department of Public Health. (Ch. 7, Act Jan. 31, 1923)

SECTION 1. That there are hereby created and established the following administrative departments of the State government:

* * * * *

6. The department of public health.

* * * * *

These departments shall be vested, respectively, with such powers and required to perform such duties as are set forth in this act, and shall be charged with the administration, execution, and performance of such laws as the legislature from time to time may enact.

SEC. 2. That there shall be a chief executive officer of each of the administrative departments of the State government created by this act, which shall be as follows:

* * * * *

6. Commissioner of public health, for the department of public health.

* * * * *

The commissioners shall be appointed by the governor for terms to expire with the beginning of the term of the governor next elected, or whenever their successors shall be appointed and qualified. Each commissioner shall hold office at the pleasure of the governor.

SEC. 3. That the commissioners of the administrative departments of the State government created by this act shall have charge and general supervision of their respective departments, and shall exercise such powers and perform such duties as are vested by this act in the departments under their control.

The officers of the various departments created by this act shall be under the supervision, direction, and control of the commissioners of their respective departments, and shall perform such duties as said commissioners shall prescribe.

SEC. 4. That in each department there shall be an assistant commissioner, who shall be designated by the commissioner to fill one of the offices within such department or as the head of one of the divisions established within such department. When a vacancy occurs in the office of commissioner of any department the assistant commissioner thereof shall act as commissioner of the department until such vacancy is filled.

SEC. 5. That, except as hereinafter provided, such officers, assistants, and employees as may be necessary in each department shall be appointed by the commissioner of such department, with the approval of the governor, and subject to the employment regulations established by the department of finance and taxation.

SEC. 6. That the division heads, the subordinate officers, assistants, and employees of the different departments, whose salaries are not fixed by this act, shall receive such compensation as shall be fixed by the commissioner of the department under which such officers, assistants, and employees may be employed; and such compensation shall be fixed only upon the authority of the department of finance and taxation, and with the approval of the governor. In no case, however, shall any compensation for personal services be fixed in excess of the amount of money appropriated by the legislature for personal services in any department.

SEC. 7. That each commissioner whose office is created by this act, or any subordinate officer under same, who may be required to handle State funds shall give bond, which shall be in force during such official's term of office, in twice the amount of the estimated average daily balance of the funds which the said official will at any time during his term have the custody of. Said estimation to be made by the governor, treasurer, and comptroller, which bond shall be conditioned for the faithful performance of his duties, and shall be filed in the office of the secretary of state.

Provided further, That said bond shall be made by some solvent surety company doing business in this State, subject to the approval of the governor.

SEC. 8. That the commissioner of each department is empowered to prescribe regulations, not inconsistent with law and the regulations established by the department of finance and taxation, for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 9. That each department shall maintain a central office at the capitol. The commissioner of each department may, in his discretion and, with the approval of the governor, establish and maintain at places other than the seat of government, branch offices for any one or more functions of his department.

* * * * *

SEC. 46. *Department of public health.*—That the department of public health shall have power:

1. To exercise all the rights, powers, and duties vested by law in the State board of health, the secretary of the State board of health, the director of vital statistics, and all officers, assistants, and employees of said board.

2. To have general supervision of the interests relating to the health and lives of the people of the State.

3. To act in an advisory capacity relative to public water supply, water purification works, sewerage systems, sewerage treatment works, and to exercise supervision over nuisances growing out of the operation of such water and sewerage works, and to make, promulgate, and enforce rules and regulations relating to such nuisances.

4. To make such sanitary investigations as may from time to time be deemed necessary for the preservation and improvement of public health.

5. To make investigations and inquiries with respect to the causes of disease, especially epidemics; to investigate the causes of mortality, and the effect of localities and other conditions on the public health; and to make such other sanitary investigations as may be deemed necessary for the preservation and improvement of the public health.

6. To keep informed of the work of the local health officers and agencies throughout the State.

7. To promote the information of the general public in all matters pertaining to public health.

8. To make sanitary, sewerage, health, and other inspections and examinations for the charitable and penal institutions and the normal schools.

9. To inspect from time to time all hospitals and sanitarium and other institutions conducted by county, city, or town authorities and to report as to the sanitary conditions and interests of such hospitals, sanitarium, and institutions to the official authority having jurisdiction over them.

10. To print, publish, and distribute documents, reports, bulletins, certificates, and other matter relating to the prevention of diseases, and the health and sanitary condition of the State.

SEC. 47. That the department of public health shall be organized into the following divisions:

1. The division of vital statistics, the head of which shall be the superintendent of vital statistics.

2. The division of sanitary engineering, the head of which shall be the sanitary engineer.

3. The division of rural sanitation, the head of which shall be the superintendent of rural sanitation.

4. The division of laboratories, the head of which shall be the bacteriologist.

SEC. 48. That the commissioner of public health shall be a physician who is schooled and experienced in public health work and sanitary science.

SEC. 49. That the governor may, in his discretion, appoint an unpaid advisory board, to be known as the public health council, to serve in connection with the department of public health. This board shall consist of five members, selected on account of their qualifications and experience in sanitary science and general health work.

* * * * *

SEC. 58. That the annual salaries of the administrative officers created by this act shall be as follows:

* * * * *

IN THE DEPARTMENT OF PUBLIC HEALTH

Commissioner of public health.....	\$4, 500
Superintendent of vital statistics.....	3, 000
Sanitary engineer.....	3, 600
Superintendent of rural sanitation.....	3, 300
Bacteriologist.....	3, 000

* * * * *

The salaries provided in this section shall be the sole compensation paid to these officials from State funds, or from any funds under the control of or for the use of the State government.

SEC. 59. That from and after the day upon which this act shall become effective the following departments, bureaus, officers, boards, commissions, and agencies of the State government heretofore created by law shall be and are hereby abolished:

- * * * * *
28. State board of health.
 29. Secretary of State board of health.
 30. Director of vital statistics.

* * * * *

SEC. 63. That if any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

* * * * *

SEC. 65. That this act shall take effect from and after February 1, 1923, the public welfare requiring it.

Filled Milk—Definition—Manufacture or Sale Prohibited. (Ch. 88, Act Mar. 31, 1923)

SECTION 1. That whenever used in this act the term "person" includes an individual, firm, partnership, corporation, or association.

SEC. 2. That the term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound, not readily mistaken for milk or cream or for evaporated, condensed, or powdered milk or cream, provided that such compound (1) is prepared and designed for feeding infants and young children and customarily used on the orders of physicians; (2) is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the content is to be used only for said purpose; and (3) is sold or disposed of exclusively by physicians, druggists, orphan asylums, child welfare associations, hospitals, and similar institutions.

SEC. 3. That it is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

SEC. 4. That it shall be unlawful for any person, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any filled milk as defined in this act, whether the same is sold or exchanged, or held in possession with intent to sell or exchange, under the name of filled milk or any other name.

SEC. 5. That any violation of any provision of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member or agent of a firm, partnership, corporation, or association, who shall be convicted of such violation, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both fine and imprisonment.

SEC. 6. That the State commissioner of agriculture, by himself or by his assistants, chemists, inspectors, deputies, or agents, shall be charged with the execution of this act.

SEC. 7. That this act shall become effective from and after the 1st day of May, 1923, the public welfare requiring it.

Eggs—Traffic in—Candling. (Ch. 57, Act Apr. 1, 1923)

SECTION 1. That no person, firm, or corporation engaged in the buying and selling of eggs, shall sell, offer or expose for sale, or traffic in, any eggs for human consumption which are unfit for human food. Such eggs, however, which are unfit for human food may be sold for commercial purposes when the same are broken in shell and denatured so that the same can not be used for human food.

For the purpose of this act, an egg shall be deemed unfit for human food if it be addle[d] or moldy, has a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white, or if it be incubated beyond the blood-ring stage; or if it be composed, in whole or in part, of a filthy, decomposed, or putrid substance.

SEC. 2. That between May 15 and December 31 of each and every year no person, firm, or corporation engaged in the buying and selling of eggs shall buy or sell eggs without candling them, whether payment for the eggs be made in cash or merchandise.

No person, firm, or corporation shall, in buying or selling eggs, take or give a greater or less loss off for eggs unfit for human food, as defined in section 1 of this act, than the actual loss off resulting after careful candling of the eggs so purchased.

Eggs candled in the presence of seller, when found unfit for food, shall be returned to the seller upon his request. No purchaser shall be allowed to buy, or offer to buy, eggs shown to be unfit for human food, at any price except as provided in section 1 of this act.

SEC. 3. That the term "candled" as used herein shall be construed to mean the careful examination of the whole egg, in a partially dark room or place suitable for the purpose. The forms of apparatus and methods to be employed in the candling of eggs may be homemade or bought.

SEC. 4. That any person, firm, or corporation failing to comply with the requirements or violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, be fined not less than \$10 nor more than \$50 for each offense.

Habit-forming Drugs—1919 Act Relating to, Repealed. (Ch. 99, Act Mar. 31 1923)

SECTION 1. That chapter 105,¹ of the Public Acts of 1919, caption of which [An act to regulate the sale, barter, distribution, prescription, storing, or giving away of opium, coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, and providing penalty for the violation thereof] is fully set out in caption hereto, be, and the same is hereby, repealed.

Habit-Forming Drugs—Possession, Sale, and Dispensing. (Ch. 91, Act Mar. 31, 1923)

SECTION 1. That on and after the taking effect of this act it shall be unlawful for any person in the state of Tennessee to sell or barter any opium or coca leaves, or any compound, manufacture, salt, derivative, or preparations thereof: *Provided*, That this act shall not apply:

(a) To the dispensing, prescribing, or distributing of any of the aforesaid drugs to any patient by a physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession.

(b) To the sale, dispensing, or distributing of the aforesaid drugs by a pharmacist registered under the laws of the State of Tennessee governing the practice of the profession of pharmacy to a consumer under and in pursuance of a written prescription issued to such a consumer by a physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession.

(c) To the sale or distribution of any of the aforesaid drugs by any wholesale druggist, dealer, manufacturer, producer, or compounder with [sic] the State, or to each other, or to a retailer, or to a physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession.

¹Supplement 42 to Public Health Reports, p. 826.

SEC. 2. That it shall be unlawful for any person in the State of Tennessee to have in his possession or under his control any opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof: *Provided*, That nothing in this section shall apply:

(a) To any physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession.

(b) To any retail dealer or pharmacist registered under the laws of the State of Tennessee governing the profession of the practice of pharmacy.

(c) To any wholesale dealer, wholesale druggist, manufacturer, producer, or compounder engaged in business as such under and by virtue of the laws of the State of Tennessee.

(d) To any person having in his possession or under his control any of the aforesaid drugs which has or have been prescribed or dispensed by a physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession.

(e) To any person having in his possession any of the aforesaid drugs by virtue of his lawful employment or occupation and not on his own account.

(f) To any United States, State, county, municipal, district, territory, or insular officer who has possession of any of the aforesaid drugs by reason of his official duties.

(g) To any warehouseman holding possession of any of the aforesaid drugs for a person exempted under the provisions of this act.

(h) To any common carrier engaged in transporting any of the aforesaid drugs.

SEC. 3. That the provisions of this act shall not be construed to apply to the sale, distribution, giving away, or dispensing of preparations and remedies by any person exempted [sic] under this act, which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codein or any salt or derivative of any of them in 1 fluid ounce, or if a solid or semisolid preparation in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine, or any of their salts or any synthetic substitute for them: *And providing further*, That the provisions of this act shall not apply to the sale, distribution, or furnishing of paregoric, Godfrey's cordial, Bateman drops, castoria, and such other medicines, compounds, and proprietary medicines the sale and distribution of which have not heretofore been prohibited by law.

SEC. 4. That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment, or other writ of [sic] proceedings laid or brought under this act; and that the burden or [of] proof of any such exemption shall be upon the defendant.

SEC. 5. That any person violating the provisions of section 1 of this act shall be guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$5,000, and imprisonment in the penitentiary for not less than three years nor more than fifteen years; and any person violating the provisions of section 2 of this act shall be guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$2,000, and imprisoned in the penitentiary for not less than one year and not more than five years. It shall be the duty of the circuit and criminal court judges in the State to give the provisions of this act in special charge to the grand jury and the grand jury shall have and exercise inquisitorial power over any violation of this act, and no prosecutor shall be required for an indictment against a person for violating the provisions of this act.

Connections with Public Water Supply—Making of, Without Permit Prohibited. (Ch. 56, Act Mar. 31, 1923)

SECTION 1. That it shall be a misdemeanor for any person to make any tap or connection with any water main, or with any pipe connected with any water main, or any waterworks plant, belonging to any person, firm, corporation, or municipality furnishing water to the public, without first obtaining a written permit from the person, firm, corporation, or municipality owning such waterworks plant.

SEC. 2. That any person convicted of a violation of this act shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment in the county workhouse for not less than thirty days nor more than six months, or by both fine and imprisonment at the discretion of the court.

TEXAS

Self-Rising Flour—Labeling—Ingredients. (Ch. 50, Act Feb. 28, 1923)

SECTION 1. That title 66, chapter 3, Revised Statutes of 1911, be amended by adding thereto, article 4592a, to read as follows, to wit:

"Article 4592a. Whoever manufactures for sale within this State, or offers or exposes for sale or exchange, or sells any self-rising flour, or compound intended for use as a self-rising flour, under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can, sack, or package containing such self-rising flour or like mixture or compound, a label distinctly printed in plain capital letters, in the English language, containing the name and domicile of the manufacturers or dealer, and the percentage by weight of each of the chemical leavening ingredients of the contents thereof. Such self-rising flour or any compound so termed or styled, when sold for use, shall produce not less than one-half of 1 per cent by weight of available carbon dioxide gas, and there shall not be contained in such self-rising flour more than $3\frac{1}{2}$ per cent of chemical leavening ingredients, otherwise such flour or compound shall be deemed adulterated.

"Self-rising flour is defined to be a combination of flour, salt, and chemical leavening ingredients. The flour shall be of the grade of 'straight' or better; the chemical leavening ingredients are bicarbonate of soda, and either calcium acid phosphate, sodium aluminum sulphate, cream of tartar, tartaric acid, or combinations of the same."

Water—Pollution of, Prohibited. (Ch. 85, Act Mar. 19, 1923)

SECTION 1. That article 695a, Penal Code of State of Texas, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 695a. *Unlawful to pollute watercourses and other bodies of water; penalty; persons liable; provisions.*—That it shall be unlawful for any person, firm, or corporation, private or municipal, to pollute any watercourse or other public body of water, by throwing, casting, or depositing, or causing to the [be] thrown, cast, or deposited any crude petroleum, oil, or other like substance therein, or to pollute any watercourse, or other public body of water, from which water is taken for the uses of farm livestock, drinking, and domestic purposes, in the State of Texas, by the discharge, directly or indirectly, of any sewage or unclean water or unclean or polluting matter or thing therein, or in such proximity thereto as that it will probably reach and pollute the waters of such watercourse or other public body of water from which water is taken for the uses of farm livestock, drinking, and domestic purposes: *And provided further*, That drain ditches, where waste oil finds its way into watercourses or public bodies of water, shall be equipped with traps or [of] sufficient capacity to arrest the flow of oil. In so far as concerns the protection of fish and oysters, the game, fish, and oyster commissioner, or his deputies, may have jurisdiction in the enforcement of this act. A violation of this provision shall be punished by a fine of not less than \$100 and not more than \$1,000. When the offense shall have been committed by a firm, partnership, or association, each member thereof who has knowledge of the commission of such offense, shall be held guilty. When committed by a private corporation, the officers and members of the board of directors, having knowledge of the commission of such offense, shall each be deemed guilty; and when by a municipal corporation the mayor and each member of the board of aldermen or commission, having knowledge of the commission of such offense, as the case may be, shall be held guilty as representatives of the municipality; and each person so indicated as above shall be subject to the punishment provided hereinbefore: *Provided, however*, That the payment of the fine by one of the persons so named

shall be a satisfaction of the penalty as against his association for the offenses for which he may have been convicted; *Provided*: The provisions of this act shall not apply to any place or premises of manufacturing plants whose effluents contain no organic matter that will putrify, or any poisonous compounds, or any bacteria dangerous to public health or destructive of the fish life of streams or other public bodies of water."

Habit-Forming Drugs—Unlawful Possession—Carrying of Weapons While in Unlawful Possession of, Prohibited. (Ch. 8, Act June 18, 1923)

SECTION 1. That chapter 150 of the General Laws, regular session, thirty-sixth legislature, as amended by chapter 61 of the General Laws of the second called session of the thirty-sixth legislature, be, and the same is hereby, amended by adding another section in said chapter to be numbered section 1a to read as follows:

"SECTION 1a. Any person possessing for the purpose of unlawful sale, furnishing, or giving away any drug, narcotic, derivative, or preparation mentioned in section 1 of this act, or any marihuana, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 7 hereof, and any person carrying on or about his person any pistol or other weapon or arm mentioned in article 475 of the Penal Code of this State while so possessing for unlawful sale, furnishing, or giving away any such drug, narcotic, preparation, derivative, preparation or marihuana, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary not less than one year and not more than ten years."

UTAH

Mosquito Abatement Districts—Formation, Government, Purposes, Powers, Operation, Maintenance, and Dissolution. (Ch. 90, Act Mar. 16, 1923)

SECTION 1. Mosquito abatement districts.—Mosquito abatement districts may be organized and incorporated and managed as herein expressly provided, and may exercise the powers herein expressly granted or necessarily implied.

SEC. 2. Who may create.—Any city, county, or portion of a city or county, whether such portion includes incorporated territory or not, in the State of Utah, having a population of not less than 100 inhabitants, may be created a mosquito abatement district under the provisions of this act by proceeding as herein provided.

SEC. 3. Petition, contents; publication; boundaries; hearing; completion.—A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of commissioners of the county in which the proposed mosquito abatement district is located, signed by the registered voters within the boundaries of the proposed district, equal in number, to at least 10 per cent of the number of votes cast in said proposed district for the office of governor of this State at the last general election prior to the presenting of the petition: *Provided*, That where one or more municipal corporations or part thereof is included in such proposed mosquito abatement district, such petition must be signed by at least 10 per cent of the qualified electors of such municipal corporations or part thereof and of the unincorporated territory included in such proposed district, and in addition thereto the city council, board of trustees, or other governing body of each such municipality shall by resolution, duly authenticated, request the inclusion of such incorporated territory in such districts. Such petition shall set forth and describe the proposed boundaries of such district, and shall pray that the same be created under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in a newspaper printed and published in such county, and also a newspaper printed and published in each municipal corporation or part thereof included in such proposed district, and if there be no newspaper published in such county, or municipal corporation, the text of such petition shall be posted for the same length of time as required to be published, in three public places within such municipal corporation or part thereof included in such proposed district, and the text of such petition so published or posted shall have annexed thereto a notice stating the time of the meeting of the board of commissioners at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published and posted. No more than five of the names attached to said petition need appear in such publication or posting of said petition and notice, but the number of signers shall be stated.

With such publication there shall also be published, and if posted, there shall also be posted a notice of the time of the meeting of the board when such petition will be considered, and that all persons interested therein may then appear and be heard. At such time the board of commissioners shall hear the petition and those appearing thereon, and also all protests and objections to the same, and may adjourn such hearing from time to time, not exceeding two months in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries: *Provided*, That if said board deems it proper to include therein any territory not included within the said proposed boundaries, they shall first cause notice of their intention so to do, to be mailed to each owner of land within said territory proposed to be included whose name appears as such on the last completed assessment roll of the county wherein

said territory lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address; or if it be not known, then at the county seat of the county in which his land lies, which said notice shall describe the territory so proposed to be included, and shall fix a time, not less than two weeks from the date of mailing thereof, when all persons interested may appear before said board and be heard: *And further provided*, That the boundaries lying within a municipal corporation shall not be altered unless a municipal board of such municipal corporation shall, by resolution, assent to the alterations of such boundaries therein.

Upon such hearing of such petition the board shall determine whether or not the public necessity or welfare of the proposed territory and of the inhabitants thereof requires the formations [sic] of such district, and shall also determine whether or not said petition complies with the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. A finding of the board of commissioners in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of Utah, upon suit commenced by the attorney general. If, from the testimony adduced, before said board it appears to said board that the public necessity or welfare requires the formation of such district, the said board shall, by an order entered on its minutes, declare such to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined, be created a mosquito abatement district, under an appropriate name to be selected by said board, which name shall contain the words "Mosquito abatement district." The county clerk shall immediately cause to be filed with the secretary of state a certified copy of such order of the board of commissioners, and from and after the date of the filing of such certified copy, the district named therein shall be deemed incorporated as a mosquito abatement district, with all the rights, privileges, and powers set forth in this act, and necessarily incident thereto.

Sec. 4. *Governing board; terms.*—Within thirty days after the said filing with the secretary of state of the certificate of incorporation of said district, a governing board of trustees for said district shall be appointed. Said board shall consist of one trustee to be appointed from said district at large by said board of commissioners and of one trustee to be appointed from each municipality in said district by the governing board of such municipality: *Provided*, That if the board of trustees thereby created shall consist of less than five members, then the board of commissioners shall appoint from such district at large enough additional members to make a board of five trustees. The governing board of such district shall be called "The board of trustees of — mosquito abatement district." Each trustee appointed by a municipal board shall be an elector of the municipality from which he is appointed, and each appointee of the board of commissioners shall be an elector of the district. All such trustees shall hold office for the term of two years from and after the second day of the calendar year succeeding their appointment: *Provided, however*, That the first board of trustees appointed under the provisions of this act shall, at their first meeting, so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven then that a bare majority of their number, shall go out of office at the expiration of one year and the remainder at the expiration of two years, from the second day of the calendar year succeeding their appointment.

Sec. 5. *Organization of board; expenses; vacancies; rules.*—The members of the board of trustees shall meet on the first Monday subsequent to thirty days after the filing with the secretary of state of the certificate of incorporation of said district and shall organize by the election of one of their members as president and one thereof as secretary. The members of the board shall serve without compensation except that the necessary expenses of each member for actual traveling expenses on meetings or business connected with said board shall be allowed and paid. In event of the resignation, death, or disability of any member, his successor shall be appointed by the board of commissioners if such board originally made such appointment, or by the governing board of the appropriate municipality, if such appointment were originally made by the board of a municipality. The board of trustees shall provide for the time and place of holding its regular meetings, and the manner of calling the same, and shall establish rules for its proceedings; special meetings shall be called by three trustees and notice of the holding thereof shall be given to each member at least three hours

before the meeting. All of its sessions, whether regular or special, shall be open to the public and a majority of the members of the board shall constitute a quorum for the transaction of business.

Sec. 6. Powers of board.—The board of trustees of such district shall have power to take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects within the district, and subject to the paramount control of the municipal or other public authorities, to abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects within the district; to purchase such supplies and materials and to employ such labor as may be necessary or proper in furtherance of the objects of this act, and if necessary or proper, in the furtherance of the same, to build, construct and thereafter to repair and maintain, necessary levees, cuts, canals, or channels upon any land within the district, and to acquire by purchase, condemnation, or other lawful means, in the name of the district, any necessary lands, rights of way, easements, property, or material requisite or necessary for any of such purposes; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers of [by?] this act conferred or arising out of the use, taking or damage of such property for any of such purposes, and generally to do any and all things necessary or incident to the powers hereby granted and to carry out the objects specified herein.

Sec. 7. Estimate of money required; levy; election; collection of tax; use.—The board of trustees of each mosquito abatement district shall at least fifteen days before the first day of the month in which the board of commissioners of the county in which such district is situate, is required by law to levy the amount of taxes required for county purposes, furnish to the board of commissioners and to the county auditor, respectively, an estimate in writing of the amount of money necessary for all purposes required under the provisions of this act during the next ensuing fiscal year. The board of commissioners of such county shall thereafter, at the time and in the manner of levying other county, or city and county, taxes levy upon all of the taxable property within the district and cause to be collected a tax, to be known as the "_____ mosquito abatement district tax." The maximum rate of which must not be greater than sufficient to raise the amount estimated to be raised by the said board of trustees of the district, nor in any event shall such tax exceed 10 cents on each \$100 of taxable property in such district.

Whenever it appears to the board of trustees of such district that the amount of funds required during the next ensuing fiscal year shall exceed the maximum amount which the commissioners are authorized to levy for the annual district tax, as hereinabove in this section provided, that said board of trustees may in their judgment call an election and submit to the electors of the district the question of whether a tax shall be voted for raising the necessary additional funds, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district: *Provided*, That no particular form of ballot shall be required nor shall any [in]formalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. At such election the ballots must contain the words, "Shall the district vote a tax to raise the additional sum of \$_____?" The board of trustees shall canvass said votes cast at such election and if a majority of the votes cast are in favor of the imposition of said tax the board of trustees must report the same to the board of commissioners, stating the additional amounts [sic] of money required to be raised. The board of commissioners shall at the time of levying the county taxes, levy an additional tax upon all of the taxable property in the district voting such additional tax sufficient to raise the the amount voted.

All taxes levied under the provisions of this section shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as State and county taxes, and when collected shall be paid into the county treasury for the use of the district.

The funds shall be withdrawn from the county treasury upon the warrant of the board of trustees of such district signed by the president or acting president of the board and countersigned by its secretary.

Sec. 8. Annexing contiguous territory; notice; publication; in municipality.—Any territory, incorporated or unincorporated, lying adjacent and contiguous to a mosquito abatement district may be added and annexed to such district at any time, upon proceedings being had and taken as in this act provided. The board of trustees of such district, upon receiving a written petition therefor containing a description of the new territory sought to be annexed to such district, signed

by the owners comprising more than one-half of the assessed value of such territory as shown by the last county assessment roll, must thereupon submit to the electors of the district, and also to the electors residing in the territory sought to be annexed, the proposition of whether such proposed territory shall be annexed and added to such district. The proposition to be submitted to the electors at such election, both within said district and within said territory so proposed to be annexed, shall be as follows: "For annexation," or "Against annexation," or words equivalent thereto. Such election must be called and held, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district, and also in a newspaper printed and published in such territory so proposed to be annexed. The board of trustees shall canvass, separately, the votes cast within said district and the votes cast within said territory so proposed to be annexed, and if it shall appear from such canvass that a majority of all the ballots cast in such district and a majority of all the ballots cast in such territory so proposed to be annexed are in favor of annexation, the board of trustees shall certify such facts to the secretary of state, describing said property proposed to be annexed, and upon receipt of such last-mentioned certificate the secretary of state shall thereupon issue his certificate reciting that the territory (describing the same) has been annexed and added to the ——— mosquito abatement district (naming it), and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of the county in which such mosquito abatement district is situated. From and after the date of such certificate the territory named therein shall be deemed added and annexed to and form a part of said mosquito abatement district, with all the rights, privileges, and powers set forth in this act and necessarily incident thereto. If the property so proposed to be annexed is included within a municipality, consent to such annexation shall first be obtained from the governing board of such municipality, and an authenticated copy of the resolution or order of such board so consenting to such annexation shall be attached to the petition and be made a part thereof.

SEC. 9. *Dissolution of district; disposition of property.*—The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by its board of trustees upon the question of dissolution, and the proposition which shall be submitted to the electors at such election shall be as follows: "Shall the district be dissolved?" Such election must be called and held, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district. If two-thirds of the votes at such election shall be in favor of the dissolution of the district, the board of trustees shall certify such fact to the secretary of state, and upon receipt of such last-mentioned certificate the secretary of state shall thereupon issue his certificate reciting that the mosquito abatement district (naming it) has been dissolved, and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of the county in which such mosquito abatement district is situated. From and after the date of such certificate the district named therein shall be deemed disincorporated, and the property of the district shall thereupon vest in the county wherein said district (is) situated, if the district at the time of its dissolution comprises unincorporated territory alone, and if it comprises incorporated territory alone, or partly incorporated and partly unincorporated territory, then in such event its property shall be ratably apportioned amongst the several municipalities and the county in proportion to the assessed value of the property included within said district as shown upon the last county assessment roll: *Provided, however,* That any real property, easements, or rights of way belonging to said districts shall in such event remain the property of the municipality wherein the same is situate, if situated within incorporated territory, otherwise the same shall remain the property of the county.

SEC. 10. *What constitutes publication.*—Every notice herein required to be published may be published in a daily or weekly or semiweekly newspaper; and if there is no daily or weekly or semiweekly newspaper published within the district or within a subdivision thereof or other territory wherein the same is required to be published, then such notice shall be posted for the length of time herein required for the publication of the same in three public places of such district or such subdivision thereof or such other territory as the case may be. The term "municipality" as used in this act shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes. The word "district" shall apply, unless otherwise expressed or used, to a mosquito abatement district

formed under the provisions of this act, and the word "trustees" and the words "board of trustees" shall apply to the trustees and the board of trustees of such district.

SEC. 11. "*Unconstitutional*" reservation.—If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

State Director of Health Education—Provision of Law Relating to the Appointment, Powers, Duties, and Compensation of, Repealed. (Ch. 98, Act Mar. 17, 1923)

SECTION 1. *Section repealed.*—That section 1, chapter 85,¹ Session Laws of Utah, 1919, is hereby repealed.

Children—Regulation of the Receiving of, for Placement or Adoption and the Placing Out of. (Ch. 59, Act Mar. 12, 1923)

SECTION 1. *Agency for receiving children for placing out or adoption.*—No person, firm, corporation, or association shall engage in the business of receiving children for placement or adoption or of placing children either temporarily or permanently in homes, or hold itself out as being prepared to receive children for either of said purposes, or solicit money for either of such purposes without having in full force a written license from the State board of health authorizing the carrying on of such business. Whoever within a period of six months receives for placing or actually places or assists in placing for adoption or otherwise more than two children shall be deemed to be engaged in the business of receiving or placing children within the meaning of this act.

SEC. 2. *Such agency to be licensed; data required.*—Every agency licensed as herein provided to receive, secure homes for or otherwise care for children, shall keep a record containing names, ages, and former residences of all children received, a statement of the physical and mental condition of such children by a competent physician; the names, former residences, occupations, and character so far as known of the parents; the dates of reception, placing out and adoption, together with the name, occupation, and residence of the person with whom the child is placed; the date and cause of any removal to any other home; the date and cause of termination of guardianship and a brief history of each child until he shall have reached the age of eighteen years or shall have been legally adopted or discharged according to law.

SEC. 3. *Agency to place children; exceptions.*—Every child brought into or sent into the State for placement or adoption in the State shall be sent to and placed by an agency licensed under the provisions of this act: *Provided, however,* That nothing herein shall be deemed to prohibit a resident of this State from bringing or causing to be brought into the State a child for adoption into his own family.

SEC. 4. *State board of health to issue license.*—It shall be the duty of the State board of health to pass annually on the fitness of every agency which receives or accepts children for placement or adoption or places children in private homes. Annually at such time as the board shall direct every such agency shall make a report to the State board of health showing its condition, management, and competency to care adequately for such children as are, or may be, committed thereto or received thereby; the system of visitation employed for children placed in private homes and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with [it] shall issue to the same a license to that effect which shall continue in force for one year unless sooner revoked by the board.

SEC. 5. *Penalty.*—Every person, firm, or corporation violating any of the provisions of this act or who shall intentionally make any false statement or reports to the State board of health with reference to the matters contained herein shall be guilty of a misdemeanor.

¹Supplement 42 to Public Health Reports, p. 842.

Water Works—Cities Authorized to Construct—Jurisdiction and Powers of Cities in Connection with. (Ch. 11, Act Feb. 15, 1923)

SECTION 1. Section amended.—That section 570X15 of the Compiled Laws of Utah, 1917, is hereby amended to read as follows:

"570X15. *Water supply; territorial limits; protection; highway; driving stock.*—To construct or authorize the construction of waterworks within or without their limits; and, for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes, and drains used in and necessary for the construction, maintenance, and operation of the same, and over the stream or source from which the water is taken, for 15 miles above the point from which it is taken, and for a distance of 300 feet on each side of said stream, and over highways along said stream or watercourse within said 15 miles and said 300 feet: *Provided*, That the jurisdiction of cities of the first class shall be over the entire watershed, except that livestock shall be permitted to graze beyond 1,000 feet from any such stream or source; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect; and in this behalf all cities are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of such cities derive their water supply, in whole or in part, for domestic and culinary purposes; and also to enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse, or urinal within the area over which such city has jurisdiction, and providing for permits for the construction and maintenance of the same; and in granting said permit, such city may annex thereto such reasonable conditions and requirements for the protection of the public health as it deems proper, and may, if deemed advisable, require that all closets, privies, and urinals along such streams shall be provided with effective septic tanks or other germ-destroying appliances: *And provided*, That each city of the first class shall provide a highway in and through its corporate limits and so far as its jurisdiction extends, which shall not be closed to cattle, horses, sheep, or hogs which are being driven through any such city, or through any territory adjacent thereto over which the said city has jurisdiction, but the board of commissioners or city council of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses, and hogs through such city, or any territory adjacent thereto over which the said city has jurisdiction."

Cattle—Special Tax on, to Pay Indemnities for Destroyed Tuberculous Cattle. (Ch. 72, Act Mar. 12, 1923)

SECTION 1. Tax for tubercular fund.—The board of county commissioners of each county in the State are hereby authorized, and they shall, at the time of the annual levy of taxes, levy a tax of 3 mills on the dollar on all domestic cattle, according to the assessed valuation of the same, said tax to be collected as other taxes and paid into the State treasury. The State treasurer shall keep the same in a separate fund, known as "Tubercular indemnity fund"; and pay the same out upon the State auditor's warrant pursuant to the order of the State board of agriculture. Said fund is hereby appropriated for the use and expenditure by the State board of agriculture in payment of indemnities for slaughtered tubercular cattle. Said fund is hereby declared to be continuing fund.

The term "domestic cattle" as used herein in this act is defined as cattle otherwise assessed than range cattle.

Bedding—Making, Remaking, Renovation, Labeling, and Sale. (Ch. 61, Act Mar. 12, 1923)

SECTION 1. Terms; application of provisions; exception.—The term "bedding" as used in this act shall be construed to mean any mattress, mattress pad, bed comforter, quilted pad, upholstered spring or pillow, except where the filling thereof consists exclusively of sterilized feathers.

The word "person" as used in this act shall be construed to impart the plural or singular, as the case demands, and shall include corporations, companies, partnerships, societies, and associations.

When construing and enforcing the provisions of this act the act, omission, or failure of any officer, agent, or other person acting for, or employed by, any corporation, company, partnership, society, or association, within the scope of this

[sic] employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, partnership, society, or association as well as that of the person.

The provisions of this act shall not apply in the case of renovation of articles of bedding by or for the owner thereof for his own use.

SEC. 2. *Sale forbidden, when.*—No person shall knowingly sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver, or consign for sale, any article of bedding that has been used by or about any person having an infectious or contagious disease.

SEC. 3. *Labeling of bedding for sale.*—No person shall sell, offer for sale, or consign for sale, or have in his possession with intent to sell, or consign for sale, any article of bedding as hereinbefore defined, unless the same be labeled and tagged as follows:

Upon each of such article[s] of bedding there shall be securely sewed upon the outside thereof a muslin or linen label or tag, not less than 2 inches by 3 inches in size, upon which shall be legibly written or printed in the English language the material used in the manufacture of such article of bedding; if all material used in the manufacture of such article of bedding shall not have been previously used, the words "Manufactured of new material" shall appear upon said label or tag, together with the name and address of the maker, or vendor, or successive vendors thereof.

If any of the material used in the making or remaking of such articles of bedding shall have been previously used, the words "Manufactured of secondhand material" or "Remade of secondhand material," as the case may be, shall appear upon the said tag or label, together with the name and address of the maker or vendor or successive vendors thereof, and also the material used as filling of such article of bedding.

The words "Manufactured of new material" or "Manufactured of used material," or "Remade of used material," together with the description of the material used as the filling of articles of bedding, shall be of letters not less than one-eighth of an inch in height.

If such article of bedding be inclosed in a bale, box, or crate, the receptacle shall bear a tag stating that the contents of the package is labeled or tagged as required by this act.

In the description of material used upon said label or tag it shall be unlawful to use in the description of such material used as the filling of any article of bedding any term or designation likely to mislead.

SEC. 4. *Defacing label; penalty.*—Any person who shall remove, deface, alter, or cause to be removed, defaced, or altered, any label or tag upon any article of bedding so labeled or tagged under the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. *Unit of offense.*—The unit for a separate and distinct offense in violation of this act shall be each and every article of bedding made, remade, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver, or consign contrary to the provisions of this act.

SEC. 6. *"Shoddy" prohibited.*—No person, firm, or corporation, by himself or by his agents, servants, or employees, shall sell or offer to sell, deliver, or consign, or have in his or their possession with intent to sell, deliver, or consign, any mattress made of material known as "shoddy" made in whole or in part from old or worn clothing, carpets, jute, bags, or burlap or other fabric or material from which "shoddy" is constructed.

SEC. 7. *Inspection of premises; prosecutions.*—Every place where bedding, as used in this act, shall be made, remade, renovated, or materials thereof prepared or disinfected, or where such articles or materials are sold, or offered, delivered, or consigned for sale, or held in possession with intent to sell, offer, deliver, or consign, shall be subject to the supervision and inspection of the industrial commission, acting in cooperation with the State board of health, and shall have power to supervise and inspect the manufacture and sale of the articles covered by this act, and shall cause all prosecutions for violation of this act to be instituted.

SEC. 8. *Penalty.*—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine not less than \$25 nor more than \$500 or by imprisonment in the county jail for a period not to exceed six months or by both such fine and imprisonment.

Advertisements—False, Deceptive, or Misleading, Prohibited. (Ch. 82, Act Mar. 9, 1923)

SECTION 1. *Sections amended.*—That sections 8351 and 8352 of chapter 50, title 119, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

"8351. *Fraudulently offering for sale, selling, or advertising.*—Every person, whether in his own behalf or as an officer of a corporation or as an agent, employee, or representative of another person, firm, or corporation, who shall knowingly sell or in any way dispose of merchandise, service, or anything offered by such person, firm, or corporation directly or indirectly to the public for sale or distribution with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or interest therein, to make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this State in a newspaper or publication, or in the form of a book, notice, handbill, bill, poster, circular, pamphlet, or letter, or by oral proclamation or in any other way of advertisement of any sort regarding merchandise, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement which is false or untrue in any respect, or which is deceptive or misleading, or which is objectionable, as hereinafter defined, shall be guilty of a misdemeanor.

"8352. *Fraudulent and deceptive advertising defined.*—1. Within the meaning of sections 8351–8353, an advertisement shall be defined to be any notice or announcement made by a handbill, placard, sign, newspaper, magazine, or other public print, or by an oral proclamation, of any article or thing, whether real or personal, for sale or exchange, or of any entertainment, exhibit, or amusement to which an admission fee is charged."

SEC. 2. It shall be deemed deceptive and misleading advertising for any person, firm, or corporation engaged in business in buying and selling new or second-hand articles of goods, wares, or merchandise, or other property, real or personal, or who is engaged in the business of furnishing any kind of service, to advertise by means of "liner ads" in a newspaper, or otherwise, such articles, property, or service for sale in a manner indicating that the sale is being made by a householder or private party not engaged in such business; and every person, firm, or corporation engaged in any such business shall, in advertising such goods, wares, or merchandise, property or service for sale, either through "liner ads" or otherwise, affirmatively and clearly indicate that the seller is engaged in such business and is not a private party.

* * * * *

VERMONT

Indigent Persons Desiring Treatment for Tuberculosis—Medical Examination—Investigation and Report as to Financial Condition. (No. 74, Act Mar. 30, 1923)

SECTION 1. Section 4383 of the General Laws is hereby amended so as to read as follows:

"SEC. 4383. A person wishing treatment under part 3 of this chapter shall be examined by one reputable physician licensed to practice in this State; and such physician shall, immediately after such examination, make a report in writing of his findings to the selectmen of the town or the mayor of the city in which such person resides. Said selectmen or mayor shall thereupon investigate the financial condition of the person applying for treatment, and, if such person is found worthy of treatment under part 3 of this chapter, shall make a complete report of their findings, together with the report of the physician, to the commissioner of public welfare."

Indigent Tuberculous Persons and Indigent Children Predisposed to Tuberculosis—Duties of Governor with Reference to—Treatment. (No. 73, Act Feb. 13, 1923)

SECTION 1. Section 4382 of the General Laws is hereby amended so as to read as follows:

"SEC. 4382. The governor shall, by virtue of his office, be commissioner of indigent tuberculous persons and indigent children predisposed to tuberculosis, and, as such commissioner, shall biennially report to the general assembly his doings under part 3 of this chapter, with an account of his expenditures."

SEC. 2. Section 4386 of the General Laws is hereby amended so as to read as follows:

"SEC. 4386. The beneficiaries specified in part 3 of this chapter shall receive treatment in the Vermont Sanatorium at Pittsford, at the Caverly Preventorium, at a county or State hospital provided under the provisions of this chapter, or a similar institution."

Indigent Tuberculous Persons Receiving Treatment in Institutions—Expense of Transportation, Clothing, and Burial to be Borne by Town or City of Residence. (No. 75, Act Mar. 23, 1923)

SECTION 1. Section 4385 of the General Laws is hereby amended so as to read as follows:

"SEC. 4385. When a person is designated a beneficiary, the town or city in which he resides shall defray the expenses of his conveyance to and from the institution to which he is sent for treatment, and shall provide necessary clothing. In case a beneficiary dies while receiving treatment as provided in this chapter, the town of his residence shall be immediately notified of his death and when so notified shall be chargeable with his burial expenses. If said town fails for two days to make arrangements for the burial of said beneficiary the town in which he died shall make such arrangements and may recover the cost of the same from the town where he last resided."

Administrative Code—Provisions of, Relating to the State Department of Public Health and the State Board of Health. (No. 7, Act Feb. 19, 1923, as Amended by No. 8, Act Mar. 30, 1923)

SECTION 1. In order that the governor may exercise the supreme executive powers of State vested in him by the Constitution and expedite the execution of such measures as may be resolved upon by the general assembly, administrative departments are hereby created, through the instrumentality of which he shall exercise such functions as in this act are assigned to each department, respectively.

SEC. 2. The following administrative departments are hereby created:

* * * * *

3. The department of public health, which shall be administered by the State board of health, as constituted by law.

* * * * *

SEC. 3. * * * The State board of health, * * * are hereby continued and shall be appointed in the manner now provided by law.

SEC. 7. The commissioner or board at the head of each department is empowered to prescribe and to enforce regulations, subject to the approval of the governor and not inconsistent with law, for the government and administration of such department, the conduct of its employees, and the custody, use, and preservation of the records, books, documents, and property pertaining thereto.

SEC. 8. Each department or bureau may, with the approval of the governor, adopt and keep an official seal.

The head of each department or bureau may authenticate copies of documents relating to said department by certificate of authenticity, and documents so authenticated or certified to shall be admissible as evidence in courts of law and equity.

SEC. 9. Each department is empowered to employ such assistance, clerical or otherwise, as the governor deems necessary for its proper and efficient administration and, subject to his approval, to fix the compensation to be paid therefor. No department shall expend or authorize an expenditure in excess of the amount appropriated therefor for any fiscal year.

SEC. 10. The commissioner or board at the head of any department may require from any officer or employee of such department, other than the officers mentioned in section 2 of this act, an official bond to the State in such sum and with such surety as such commissioner or board may deem necessary.

SEC. 11. The commissioner or board at the head of a department shall, annually on or before the 1st day of December, and at such other times as the governor may require, report in writing to the governor concerning the needs, management, and financial condition of such department.

SEC. 12. The governor shall provide for and require a practical working system to insure efficiency and mutual helpfulness among the aforesaid departments and other administrative departments of the State government. He may transfer, temporarily or permanently subordinates of any one of said departments to another department as the needs of the State may seem to him to require. He shall make, promulgate, and have power to enforce such rules and regulations as he may see fit for the conduct of said departments and alter or add to the same in his discretion.

SEC. 13. The gross amount of money received, in their official capacities, by every administrative department, board, officer, or employee, from whatever source, shall be paid forthwith into the State treasury, without any deduction on account of salaries, fees, costs, charges, expenses, claim, or demand of any description whatsoever. Such moneys shall be credited to such fund or funds as are now or may hereafter be designated for the deposit thereof. Money so paid and all moneys belonging to or for the use of the State shall not be expended or applied by any department, board, officer, or employee, except in pursuance of an appropriation made by law and upon warrant of the auditor.

SEC. 14. The commissioner or board at the head of each department shall, subject to the provisions of this act, exercise the powers and perform the duties vested by law in such department.

Whenever rights, powers, and duties which have heretofore been vested by law in or exercised by any officer, board or commission, institution or department, or any deputy, inspector, or subordinate officer thereof, are by this act transferred either in whole or in part to or vested in a department created by this act, such rights, powers, and duties shall be vested in, and shall be exercised exclusively by the department to which the same are hereby transferred.

Every act done in the exercise of such rights, powers, and duties shall have the same legal effect as if done by the former officer, board, commissioner, institution or department, or any deputy, inspector or subordinate officer thereof. Every person within the terms of this act shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers, and duties as if such rights, powers, and duties were exercised by the officers, board, commissioner, department or institution, or deputy, inspector subordinate officer thereof, designated in the respective laws which are to be administered by departments created by this act.

SEC. 15. Every such person shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such acts were pro-

hibited in, the exercise of such right, power, or duty by the officer, board, commission, or institution, or deputy, inspector, or subordinate thereof designated in the respective laws which are to be administered by departments created by this act. Under the terms of this act, every officer and employee shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolve upon him under this act.

SEC. 16. All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties so transferred to or vested in a department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers, and duties.

Wherever reports or notices are now required to be made or given, or papers or documents furnished or served by any person, to or upon any officer, board, commission or institution, or deputy, inspector, or subordinate thereof, abolished by this act, the same shall be made, given, furnished, or served in the same manner to or upon the departments upon which are devolved by this act the rights, powers, and, duties now exercised or discharged by such officer, board, commission or institution, or deputy, inspector, or subordinate thereof, and every penalty for failure so to do shall continue in effect.

SEC. 17. This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect. Such actions or proceedings may be prosecuted and continued by the department having jurisdiction, under this act, of the subject matter to which such litigation or proceeding pertains.

SEC. 31. The department of public health shall have power to exercise the rights, powers, and duties now vested by law in the State board of health.

State Board of Health—Appointment—Designation of Chairman—Appointment, Qualifications, and Compensation of Secretary—Appointment of Other Officers and Assistants. (No. 118, Act Mar. 3, 1923)

SECTION 1. Section 6193 of the General Laws is hereby amended so as to read as follows:

"SEC. 6193. The State board of health shall consist of three persons who shall be appointed as provided by this chapter. The governor shall during the session of the general assembly of 1923, with the advice and consent of the senate, appoint two persons as members of said board, one whose term of office shall end January 31, 1927, and one whose term of office shall end January 31, 1929, and thereafter the governor shall biennially in the month of January, with the advice and consent of the senate, appoint one member of said board whose term of office shall be for six years. If a vacancy occurs in such office, the governor shall fill the same by appointment, and the person so appointed shall hold office until the 1st day of February in the year of the next biennial session of the general assembly, at which time such vacancy shall be filled for the unexpired term thereof by the governor with the advice and consent of the senate. The governor shall annually in the month of January designate one member of said board to act as chairman."

SEC. 2. Section 6194 of the General Laws, as amended by section 1 of No. 173¹ of the Acts of 1919, is hereby amended so as to read as follows:

"SEC. 6194. Said board shall appoint a secretary, who shall be a reputable practicing physician of the State and shall act as secretary of said board and be its executive officer. Said board shall, subject to the approval of the governor, determine the compensation of said secretary. Said board may, subject to the approval of the governor, appoint such other officers and assistants as may be necessary to carry out the duties of said board."

Town Health Officers—Appointment by State Board of Health—Designation of, and Duties as Health Officers of Unorganized Towns or Gores—Compensation. Deputy Town Health Officers—Appointment and Powers. No. 175 of 1919 Acts Repealed. (No. 119, Act Feb. 19, 1923)

SECTION 1. The State board of health shall appoint, upon recommendation of the selectmen, a health officer for each town, and the secretary of said board shall

¹ Supplement 42 to Public Health Reports, p. 850.

give him a certificate of appointment. Said board may appoint one or more deputy health officers for a town upon written request of the local board of health, but such deputy shall have authority only to issue certificates of permission for the burial, entombment, or removal of dead bodies.

SEC. 2. The State board of health shall have power to designate a health officer of a town adjoining an unorganized town or gore as the health officer of such unorganized town or gore; and said health officer shall report to the secretary of said board every case of contagious disease mentioned in chapter 267 of the General Laws of which he has information or knowledge as existing in such unorganized town or gore; and, shall, in such unorganized town or gore, do and perform all acts required of the health officer of a town the same as if he were the health officer of such unorganized town or gore; and, upon receiving such information from said health officer, said board shall do and perform all acts in relation to such cases the same as if such information came from the health officer of a town.

SEC. 3. Number 175² of the Acts of 1919 is hereby repealed.

SEC. 4. All compensation for services rendered by health officers appointed under this act shall be under the control of the board of selectmen of each town, or the board of aldermen in each city.

SEC. 5. This act shall take effect July 1, 1923.

Certain Acts to Take Effect Immediately in Towns Included in Sanitary District Whenever a Vacancy Exists in the Office of District Health Officer. (No. 120, Act Mar. 12, 1923.)

SECTION 1. Whenever a vacancy exists in the office of district health officer in any sanitary district the provisions of an act of the general assembly of 1923, entitled "An act to authorize the State board of health to appoint health officers for each town and for unorganized towns and gores and to repeal No. 175 of the Acts of 1919," approved February 19, 1923, and of an act of the general assembly of 1923, entitled "An act relating to the issuance of burial permits," approved March 9, 1923, shall take effect immediately in all towns in such district.

Milk and Cream—Taking and Testing of Samples of—Evidence of Result of Test in Prosecution. (No. 108, Act Mar. 16, 1923)

SECTION 1. Section 5909 of the General Laws is hereby amended so as to read as follows:

"SEC. 5909. Whenever, in prosecutions under the second preceding section, the ordinary means of proof are not available or sufficient, sealed samples of the milk or cream sold or furnished or kept with intent to be sold or furnished, taken from such milk or cream in the presence of at least one disinterested witness and with the knowledge and in the presence of the person or his agent or servant so selling or furnishing or having in his possession with intent to sell or furnish, may be sent to the Vermont Agricultural Experiment Station to be tested; and when such sample of milk or cream is taken in strict conformity with all the requirements of this section and the next succeeding section, and not otherwise, the result of such test shall be deemed competent evidence in such prosecution, but shall not exclude other evidence."

Imitation Butter or Substitutes for Butter—Advertising or Sale of when Contained in Boxes, Tubs, or Packages Marked or Labeled with Certain Words or Representations Prohibited. (No. 109, Act Feb. 22, 1923)

SECTION 1. Section 5932 of the General Laws is hereby amended so as to read as follows:

"SEC. 5932. A person who, by himself or agent, advertises, sells, exposes for sale or has in his possession with intent to sell, an article, substance, or compound made in imitation of butter, or as a substitute for butter, and not made wholly of milk or cream, or containing fats, oils or grease not produced from milk or cream, contained in a box, tub, article, or package, marked or labeled with the words 'dairy,' 'milk,' 'cream,' 'butter,' or 'creamery' or the name of a breed of dairy cattle, or the reproduction of a photograph, engraving, or a drawing of a cow, shall be fined not more than \$200 nor less than \$10."

² Supplement 42 to Public Health Reports, p. 851.

Cattle Slaughtered for Human Consumption—Repeal of Provision of Law Providing for Appraisal of, and Payment of Compensation for, when Found to be Tuberculous. (No. 15, Act Feb. 23, 1923)

SECTION 1. Section 507 of the General Laws, as amended by section 2 of No. 17³ of the Acts of 1919, is hereby repealed.

Tuberculous Cattle—Slaughtering on Premises of Owners—Inspection of Carcasses as to Fitness for Human Consumption—Appraisal—Payments to Owners. (No. 16, Act Mar. 22, 1923)

SECTION 1. Animals condemned as tuberculous may upon request of the owner and at his expense, be slaughtered upon the owner's premises under the supervision of any veterinarian approved by the department of agriculture or one regularly employed by the State or United States Bureau of Animal Industry. Said veterinarian shall inspect and pass upon the fitness of such carcasses as food for human consumption under rules as prescribed by the United States Bureau of Animal Industry. The State shall furnish to said veterinarian a stamp or seal, and a carcass passed by him for human consumption shall bear an imprint of said stamp or seal and may then be sold by said owner. In the event the owner of the animal is entitled to indemnity from the State, the owner and said veterinarian shall appraise the salvage of said animal and in the event of a disagreement a third disinterested party shall be selected to act with them to make the appraisal. The owner shall receive the salvage and the State shall pay the indemnity as provided in section 503 of the General Laws and amendments thereto. In the event the carcass is not passed by said veterinarian as being fit for human consumption such carcass shall be burned or buried in the presence of said veterinarian. Said veterinarian shall report to the commissioner of agriculture the identification name or number of each animal so killed, his findings, and such other information as the commissioner may deem necessary.

Cattle—Priority Given to Certain Applications for Tuberculin Testing of, at State Expense. (No. 12, Act Mar. 29, 1923)

SECTION 1. Whenever a person files with the commissioner of agriculture an application for a test of his stock for tuberculosis, accompanied by an agreement as provided in section 500 of the General Laws, with amendments thereto, he may also file with said commissioner a waiver, which shall be signed in the presence of one or more witnesses, of all right to receive indemnity from the State for animals condemned as tuberculous. When the commissioner receives an application accompanied by an agreement and waiver as herein provided he shall in person or by his agent proceed to test such herd at the expense of the State, and such application shall have priority over applications where the owner does not file a waiver as herein provided.

SEC. 2. Nothing in this act shall be construed to allow the commissioner to test at the expense of the State herds on the so-called accredited list.

Cattle and Horses—Testing of. (No. 13, Act Mar. 10, 1923)

SECTION 1. Section 501 of the General Laws, as amended by section 2 of No. 19 of the Acts of 1921, is hereby amended so as to read as follows:

"SEC. 501. The provisions of the preceding section shall not apply in the case of cattle owners whose animals have passed without reactors two annual or three semiannual tests. Such owners shall keep their animals free from disease at their own expense under regulations prescribed by said commissioner; but if any reactors are found they shall be appraised and paid for as provided in the second following section; but said commissioner may retest cattle or horses, as provided in this chapter, when in his judgment the conditions warrant it. Said commissioner, upon request of the owner, may assign a veterinarian regularly employed by him to make retests of herds which have passed without reactors two annual or three semiannual tests and may assess such owner, as nearly as possible, the actual expense of making such tests, which sum shall be paid into the State treasury, to be used for carrying out the provisions of this chapter. Said commissioner shall have authority to cooperate with associations of farmers and with county farm bureaus for the purpose of carrying out the provisions of this section."

³Supplement 42 to Public Health Reports, p. 853.

Diseased Animals Destroyed—Appraisal—Payments to Owners. Bovine Tuberculosis—Appropriations for the Eradication of. (No. 14, Act Mar. 29, 1923)

SECTION 1. Section 503 of the General Laws, as amended by section 1 of No. 17 of the Acts of 1919 and section 2 of No. 20 of the Acts of 1921, is hereby amended so as to read as follows:

"SEC. 503. The value of all animals killed by order of said commissioner or his agent shall be first appraised by the owner and the commissioner or his agent. In the event of a disagreement as to the amount of the appraisal, a third disinterested person shall be selected to act with them and appraise the animals. In making such appraisal the fact that the animals have been condemned for the disease shall not be considered, but in no case shall the appraisal for a single animal exceed the sum of \$85, except horses and registered cattle, in which cases the limit of appraisal shall be \$125, and a certificate of registration of such registered cattle shall be furnished the livestock commissioner before the claim is paid. The owner shall receive the net salvage from the sale of each animal in accordance with the provisions of section 506 of the General Laws and amendments thereto and the State shall pay the owner one-fourth of the difference between the salvage and the appraised value, without deductions for sums received by the owner from the United States Bureau of Animal Industry. The provisions of this act shall not apply to tests made prior to its passage."

SEC. 2. The sum of \$100,000 is hereby appropriated for the purpose of continuing the work of eradicating bovine tuberculosis for the fiscal year ending June 30, 1924, and a like sum for the fiscal year ending June 30, 1925. The sums so appropriated shall be expended by the commissioner of agriculture by placing at the disposal of the various counties in the State such proportionate part of the gross appropriation as the respective grand lists of each county bear to the total grand list of the State if application for such assistance is made, but if such application is not made within the first six months of any year for the full amount of money to which any county is entitled in accordance with the terms of the foregoing division, then the balance not applied for by the various counties may be used by the commissioner of agriculture in any county he sees fit, in carrying out the provisions of chapter 27 of the General Laws and all amendments thereto.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. Section 1 of this act shall take effect April 1, 1923.

Burial Permits—Issuance. (No. 61, Act Mar. 9, 1923)

SECTION 1. The town clerk of each town shall receive all certificates of deaths occurring within his own town, and shall issue burial permits and receive fees therefor as provided by sections 3801, 3808, 3811, 3812, 3813, 3814, 3818, 3819, and 3820 of the General Laws: *Provided*, That burial permits in cases of deaths from communicable diseases shall not be issued by a town clerk except in accordance with instructions to be issued by the local health officer or the State board of health and to be kept on file by the town clerk.

WASHINGTON

Maternity and Infancy—Acceptance and Administration of Provisions of Federal Act for the Promotion of the Welfare and Hygiene of. Division of Child Hygiene—Creation of, in State Department of Health. (Ch. 127, Act Mar. 16, 1923)

SECTION 1. That the provisions of the act of Congress entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, be, and they are hereby, accepted by the State of Washington.

SEC. 2. There is hereby created in the State department of health a division to be known as the division of child hygiene, and the director of health, through and by means of the division of child hygiene, shall administer the provisions of said act of Congress in this State.

[Sections 3, 4, and 5 were vetoed.]

SEC. 6. For the purpose of carrying out the provisions of this act, there is hereby appropriated for the department of health, out of the general fund in the State treasury, the sum of \$10,000, or so much thereof as may be necessary.

Public Health—First-Class Cities Empowered to Provide by Ordinance for the Preservation of, and for the Punishment of Practices Dangerous to. (Ch. 182, Act of 1923)

SECTION 1. That any city of the first class shall have power by ordinance to provide for the punishment * * * of all practices dangerous to public health * * * and to make all regulations necessary for the preservation of public * * * health * * * within its limits; to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; to provide for the imposition by police judges of a fine not to exceed \$300, or imprisonment not to exceed ninety days, or both such fine and imprisonment.

* * * * *

Milk—Authorized to be Furnished Free of Charge to Pupils Under 14 Years of Age in First-Class School Districts. (Ch. 152, Act of 1923)

SECTION 1. That section 4806 of Remington's Compiled Statutes be amended to read as follows:

"The board of directors of any public school in any school district of the first class may cause to be furnished free of charge, in a suitable individual sterilized receptacle, on each and every school day, to each child in attendance under the age of 14 years desiring the same, not less than one-half pint of pure whole milk. The cost of supplying such milk shall be paid for and in the same manner and out of the same fund as the other items of expense incurred in the conduct and operation of said school."

Condensed Milk, Evaporated Milk, and Substitutes for Condensed Milk, Evaporated Milk, or Butter—Manufacture and Sale. (Ch. 22, Act of 1923)

SECTION 1. It shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any condensed or evaporated milk, or any substance containing any milk or milk products and designed or intended to be used, or capable of being used, for or as a substitute for condensed or evaporated milk, unless the milk used in the manufacture thereof is pure, clean, fresh, healthful, unadulterated, and wholesome milk: *Provided*, That nothing herein contained shall be construed as prohibiting the manufacture or sale of condensed or evaporated milk manufactured from pure, clean, fresh, healthful, unadulterated, and wholesome skimmed milk; and it shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any condensed or evaporated milk containing any vegetable fat.

Sec. 2. It shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk product and designed or intended to be used, or capable of being used, for or as a substitute for butter, unless the milk contained therein or used in the manufacture thereof is pure, clean, fresh, healthful, unadulterated, and wholesome milk from which none of the cream or butterfat has been removed, or to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk products and designed or intended to be used for or as a substitute for butter, which contains any vegetable fat.

Sec. 3. Every person or corporation violating any provisions of this act shall be guilty of a misdemeanor, and for a second and each subsequent violation thereof shall be guilty of a gross misdemeanor.

Creameries, Milk Plants, Milk Products Factories, etc.—When Deemed to be Insanitary—Licensing. Milk House or Milk Room as Legally Defined—Cream Separators Required to be Kept in—Milk and Cream Required to be Kept in, at Dairies. Pasteurization—Definition of—Required of Milk Heated Above Certain Temperature. Milk Vendors—Licensing. Unwholesome Milk and Milk Products—Sale of, Prohibited—Condemnation and Destruction. Milk—Temperature of. (Ch. 27, Act Feb. 24, 1923)

SECTION 1. That section 6166 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6166. A creamery, milk plant, cheese factory, milk condensing factory, or factory of milk products, and any store, market, depot, booth, or other place where milk is handled, stored, or kept for sale, shall be deemed insanitary in the following cases:

"(a) If milk or cream is received that has reached an advanced state of fermentation, or that shows a stage of putrefactive fermentation.

"(b) If milk or cream be received, stored, or kept in cans or other containers that have not been sterilized with boiling water or live steam after each delivery.

"(c) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using.

"(d) If the floor of such creamery, factory, plant, store, market, depot, booth, or place is so constructed, or in such condition, as to permit the flowing or soaking of water, milk, or other liquids underneath such floor, or among the interstices of such floor, in such manner as to permit fermentation and decay to take place.

"(e) If the condition of the floor in any such creamery, factory, plant, store, market, depot, booth, or other place be such that it may not be readily kept free from dirt and filth.

"(f) If drains are not provided that will convey refuse milk, water, and sewage to a point at least 50 yards distant from such creamery, factory, plant, store, market, depot, booth, or place.

"(g) If any cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or any decaying vegetable or animal matter that will emit or produce foul odors, shall be permitted to exist within such distance as will permit the odors therefrom to reach any such creamery, factory, plant, store, market, booth, depot, or other place where milk or milk products are handled, stored, or kept for sale.

"(h) If such creamery, factory, plant, depot, booth, store, market, or other place where milk or milk products are handled, stored, or kept for sale is so constructed, or is so maintained as not to permit access thereto of sufficient light and air to secure good ventilation.

"(i) If in any building or buildings used in connection with any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products any insects, vermin, or other species of animal life are permitted.

"(j) If upon the floor of any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or upon the sides of walls thereof, any milk or its products, or any other filth is allowed to accumulate, ferment, or decay.

"(k) If the body or wearing apparel of any person employed in any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or coming in contact therein with any milk or milk product, shall be unclean, or shall not be washed from time to time with reasonable frequency.

"(l) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products produced, kept, handled, or manufac-

tured in such creamery, plant, factory, store, booth, or depot unclean, impure, and unhealthy."

SEC. 2 That section 6172 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6172. No person shall sell, offer to sell, or expose for sale, any milk or cream taken from any cream separator kept in any stable or other building wherein any animal or fowl is housed or kept, or in any place where the conditions are insanitary or where the air is foul or contaminated, or in the open air or in any place other than a milk house or milk room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes: *Provided*, That this section shall not be construed to prohibit the keeping of such cream separator in any room which is wholly separated by tightly ceiled or plastered partitions having no openings from that part of the stable or building in which milking cows are housed or kept: *And provided further*, That any milk or cream produced or kept at any dairy must at all times while at said dairy be kept in a milk house or milk room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes."

SEC. 3. That section 6173 of Remington's Compiled Statutes is hereby repealed.

SEC. 4. That section 6174 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6174. That process of pasteurization as applied to milk, skimmed milk, cream, and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than 140° F. and of holding the same at such temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling such milk to a temperature of not above 50° F. Such process as applied to skimmed milk, cream, or other milk product shall consist of uniformly heating such skimmed milk, cream, or milk product to a temperature of not less than 140° F. and of holding the same at such temperature for a period of not less than twenty-five minutes, or of heating the same to a temperature of 176° F., without holding: *Provided, however*, That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided further*, That the heating of milk to above 110° F. shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk."

SEC. 5. That section 6187 of Remington's Compiled Statutes is hereby repealed.

SEC. 8. That section 6192 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6192. Every creamery, milk plant, shipping station, milk condensing plant, ice cream factory or factory of milk products, or other person receiving or purchasing milk or cream in bulk and not bottled, and by weight or measure or upon the basis of the amount of milk fat contained therein, shall annually obtain a license therefor. Such license shall be issued by the department of agriculture upon being satisfied that the building, structure, place or premises where such milk is to be received or purchased is maintained in a sanitary condition in accordance with the provisions of this act; and upon the payment to the department of a license fee of \$10 therefor. Such license shall be for the period of one year and shall expire on the 30th day of June subsequent to the date of its issue, and may be sooner revoked by the department of agriculture, upon reasonable notice to the licensee, if such licensee shall fail to comply with the provisions of this act and the rules and regulations issued and promulgated by the department of agriculture under the authority of this act: *Provided, however*, That the provisions of this section shall not apply to individuals purchasing milk or cream for consumption by themselves or their families, nor to the owners or keepers of hotels, restaurants, boarding houses and eating houses purchasing milk or cream to be served or consumed therein."

SEC. 9. That section 6194 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6194. Milk vendor's licenses shall be issued by the department of agriculture upon application and upon the payment therefor of a license fee of \$2. Such licenses shall be for the period of one year, unless sooner revoked, and shall expire on the 30th day of June next subsequent to the issue thereof. Each milk

vendor's license shall contain the number of the license, and the name, residence, and place of business, if any, of the licensee, and no such license shall be sold, assigned or transferred. Any milk vendor's license may be at any time revoked by the department of agriculture upon reasonable notice to the licensee, if such licensee shall be guilty of violation of or shall fail to comply with this act or any section or provision thereof, or shall violate or refuse or neglect to comply with any lawful regulation or order of the department of agriculture, or any officer, agent, or inspector thereof."

SEC. 10. That section 6210 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6210. No person, firm or corporation shall sell, expose, or offer for sale, or exchange with, present or deliver to any creamery, milk plant, cheese factory, milk condensing factory, factory of milk products, or other buyer or consumer of milk or milk products, any unclean, unwholesome, adulterated, stale, or impure milk, cream, butter or other milk product: *Provided*, That milk, cream, or milk products when found to be rancid or in such condition as to be unfit for human consumption may be condemned and destroyed."

SEC. 11. That section 6215 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 6215. All milk shall be cooled in the dairy where it is produced to a temperature of not more than 50° F. within thirty minutes after the same is drawn from the cows, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above 60° F. and all such milk shall thereafter be maintained at a temperature of not exceeding 50° F. until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being subject to the process of pasteurization."

* * * * *

Food and Drugs—When Deemed to be Adulterated or Misbranded. (Ch. 36, Act Feb. 28, 1923)

SECTION 1. That section 6146 of Remington's Compiled Statutes be, and the same is hereby, amended to read as follows:

"SEC. 6146. For the purposes of this act an article shall be deemed to be adulterated: In the case of drugs: First, If when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary. Second, if its strength or purity fall below the professed standard or quality under which it is sold.

"In case of confectionery: If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug. In case of food: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed; fifth, if it contains sodium sulphite or any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption; sixth, if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter."

Sec. 2. That section 6147 of Remington's Compiled Statutes be amended to read as follows:

"Sec. 6147. The term 'misbranded' as used herein shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"For the purposes of this act an article shall also be deemed to be misbranded: In the case of drugs: First, If it be an imitation of or offered for sale under the name of another article; second, if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substances contained therein; third, if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein which is false or fraudulent.

"In the case of food: First, If it be an imitation of or offered for sale under the distinctive name of any other article; second, if it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein; third, if in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That the reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of chapter 168,¹ Session Laws of 1917; fourth, if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the said article has been manufactured or produced; second, in the case of articles labeled, branded, or tagged so as plainly to indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided,* That the term 'blend' as used herein shall be construed to mean a mixture or [of] like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further,* That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade-mark formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding."

Habit-Forming Drugs—Possession, Sale, or Dispensing—Habitual Use of, Unlawful—Examination of Prisoners and Other Persons Suspected of Being Addicts—Treatment and Isolation or Quarantine of Addicts—Reports by Physicians Treating Addicts—Regulations to be Made by State Board of Health—Appeals by Addicts from Findings of Health Officers—Powers of State Board of Health. (Ch. 47, Act Mar. 3, 1923)

SECTION 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa [coca] leaves, or alpha or beta eucaïne, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health, and morals.

¹ Supplement 37 to Public Health Reports, p. 517.

SEC. 2. The term narcotic drugs wherever used in this act shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa [coca] leaves, or alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica, and other salts, derivatives, mixtures, or preparations of any of them.

The term narcotic addict whenever used in this act shall be deemed and construed to mean and include any person who habitually uses a narcotic drug or drugs.

The masculine term shall be deemed and construed to mean and include the feminine gender and the singular terms shall be deemed and construed to include the plural.

SEC. 3. It shall be unlawful for any person to sell, furnish, or dispose of, or have in his possession with intent to sell, furnish, or dispose of, any narcotic drug or drugs, except upon the written and signed prescription of a physician regularly licensed to practice medicine and surgery who has complied with the regulations of, and is duly registered under, the laws of the State of Washington and the laws of the Congress of the United States. All such prescriptions shall be written with ink or indelible pencil, must be signed by the physician issuing the same, and must contain the name and address of the person for whom prescribed, and the nature of the ailment, the date written, the office address and Federal registry number of the physician, all of which data must be placed on such prescriptions by the physician writing the same, or caused to be placed thereon before his or her signature is affixed thereto.

All such prescriptions shall be filled but once, and the dispenser of such drugs in pursuance of such prescriptions shall cause the person procuring the drug or drugs to be prescribed to place his or her signature and address upon the back of such prescriptions, and shall keep all such prescriptions on a separate file and preserve them for not less than two years from and after the date of the last prescription placed on such file, shall make duplicate copy of such prescription and and preserve same, and such prescriptions shall at all times during business hours be available for inspection, and such duplicate copy shall be removed by any prosecuting attorney or peace officer, any representative of the department of licenses, or any deputy or inspector of the State department of agriculture.

It shall be unlawful for any person to supply such narcotic drugs, or preparations containing such drugs, upon telephone orders, or for any person to order such narcotic drugs, or preparation containing such narcotics, by telephone: *Provided*, That nothing in this section shall be construed as prohibiting any wholesale dealer in drugs from selling or furnishing in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs, to any other wholesale or retail dealer, nor prevent such wholesale dealer from selling, in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs, to any physician, dentist, surgeon, or veterinarian, duly registered under the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs; nor prevent any retail druggist from selling, in compliance with the acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture, and sale of narcotic drugs, to any physician, dentist, surgeon, or veterinarian duly registered under said acts of Congress and the rules and regulations now in force or hereafter promulgated as aforesaid; nor prevent any physician, dentist, surgeon, or veterinarian so registered from administering, for legitimate medical purposes, in the course of his professional practice only, to his patient, any of the articles enumerated in this section in quantities proportioned to the needs of such patient; nor prevent the manufacture, sale, and dispensing of preparations and remedies containing not more than 2 grains of opium, nor more than one-fourth grain of morphine, nor more than 1 grain of codeine, nor more than one-eighth grain of heroin, or any derivative or preparation of them, in 1 fluid ounce, or if a solid or semisolid in 1 avoirdupois ounce; or liniments, ointments, or other preparations incapable of being used as a beverage intended for external use only, except liniments and ointments or other preparations which contain cocaine or any of its salts or derivatives, or alpha or beta eucaine or their salts or derivatives: *Provided further*, That such remedies and preparations are such as are

exempt by Federal law, rules, and regulations and are sold, distributed, and dispensed in good faith as medicines and not for the purpose of evading the intentions and provisions of this act and that all sales of such drugs, medicines, or preparations which contain such exempt quantities of narcotic drugs, whether sold and dispensed upon prescriptions or otherwise, shall be duly registered and recorded in a suitable register showing in parallel columns the signature of the person procuring the same, the date of sale, address of purchaser, name of drug or preparation, quantity sold or dispensed, and if pursuant to a prescription the serial number of such prescription, and such record shall be preserved for a period of not less than two years from and after the date of the last entry made therein, and at all times during business hours be available for inspection by any prosecuting attorney or peace officer, any representative of the department of licenses, or any deputy or inspector of the State department of agriculture. Nothing in this act contained shall make unlawful or prevent the purchase by the State University and the State College of Washington, or the proper departments of each said State institutions, of any narcotic drugs and the use of the same for experimental purposes only in such institutions, the same to be purchased, owned, held, possessed, and used in compliance with and in conformity to the acts of Congress of the United States and the rules and regulations now in force or hereafter to be promulgated thereunder.

It shall be deemed a violation of this act for any person to have in his or her possession any narcotic drug, or any preparation or compound containing same in unexempt quantities, unless the same shall have been obtained pursuant to this act and to the laws of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder, and proof of the possession of any such narcotic drug, except by a licensed physician, licensed manufacturer, or licensed druggist, shall be prima facie evidence of an intent to unlawfully sell, furnish, or dispose of the same.

Any person violating any of the provisions of this section and any person who shall falsely make, forge, or alter, or knowing the same to have been falsely made, forged, or altered, shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any narcotic drug as defined in this act shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for not less than one year nor more than ten years. Upon a conviction of any registered pharmacist, dentist, physician, or veterinarian for violating any of the provisions of this section, the certificate of registration or license of such offender shall also be revoked or canceled, and such offender shall not be eligible for reregistration for a period of ten years from and after the date of the revocation of his or her certificate or license.

SEC. 4. Every person who habitually uses any narcotic drug as defined in this act shall be deemed guilty of a gross misdemeanor.

SEC. 5. In any prosecution for the violation of the provisions of this act, it shall not be necessary for the indictment, complaint, or information to set forth any negative allegation, nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter of defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

SEC. 6. State, county, and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public safety, health, and morals, to make examinations of persons reasonably suspected of being habitual users of any narcotic drug and to require persons whom they have reason to suspect to be habitual users of any narcotic drug to report for treatment to an approved physician, and continue treatment at his own expense until cured, or to submit to treatment, provided at public expense, until cured, and also to isolate or quarantine habitual users of such narcotic drugs or their derivatives. Such officer, deputy, or physician shall make a written finding that such person is an habitual user of a narcotic drug, which finding shall be filed in his office: *Provided*, That such habitual users shall not be isolated or quarantined until the State board of health shall first, by general regulation, determine that the quarantine or isolation of all habitual users is necessary: *Provided further*, That any person suspected as herein set forth may have present at the time of his examination a physician of his or her own choosing: *And provided further*, That the suspected person shall be informed by the health officer of his or her rights under this act.

SEC. 7. Any person convicted under the provisions of section 4 of this act or any person who shall be confined or imprisoned in any State, county, or city

prison in the State and who may be reasonably suspected by the health officer of being a narcotic addict shall be examined for and if found to be an habitual user of said drugs, or any of them, shall be treated therefor at public expense by the health officers or their deputies who are licensed physicians. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison, and who are habitual users of said drugs or their derivatives, may be isolated and treated at public expense until cured, or, in lieu of such isolation, any such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in section 6 of this act. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime: *Provided*, That licensed physicians treating any narcotic addict shall, upon beginning said treatment, immediately report the same to the health officer in charge in that jurisdiction, such report to be on forms prescribed by the State board of health, and such report shall give the name of the person receiving such treatment and such other information as shall be deemed necessary by the State board of health.

SEC. 8. The State board of health is hereby empowered and directed by resolution duly entered on the minutes of its proceedings to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 6 of this act, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control, care, treatment, and quarantine of persons addicted to the habitual use of narcotic drugs, as it may from time to time deem advisable. All such rules and regulations so made shall be in force and binding on all county and municipal health officers and other persons affected by this act: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure, except to officers and physicians charged with the enforcement of this act, of the names of any narcotic addicts who faithfully comply with the provisions of this act and the lawful regulations of the State board of health, and whoever shall violate any of such safeguarding regulations shall be guilty of a gross misdemeanor.

SEC. 9. Any person who shall violate lawful rules or regulations made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a gross misdemeanor.

SEC. 10. Any person committed to quarantine under the provisions of sections 6 or 7 of this act, feeling aggrieved at the finding of the health officer that he or she is an habitual user of such drugs, or at the finding that he or she be committed to quarantine, shall have the right of appeal from such finding to the superior court of the State of Washington for the county in which said person is quarantined. Said appeal shall be taken within ten days after said health officer shall have made his finding, and shall be taken by serving written notice of appeal upon said health officer and by filing the same in the office of the clerk of the superior court; and the procedure governing appeals from judgments of justices of the peace to the superior court shall govern all such appeals: *Provided*, That the person appealing shall be held in quarantine during the pendency of such appeal. Within five days after such appeal shall have been filed, the superior court shall, without a jury, examine or cause to be examined the person taking the appeal, and take such evidence as it may deem necessary for the determination of the truth of the charges against the appellant or of the findings of such health officer. The prosecuting attorney of the county shall represent the health or quarantine officer in all such appeals and the appellant shall have the right to be represented by counsel.

The findings and judgment of said superior court upon said appeal shall be conclusive. Any person committed to quarantine under the provisions of this act may be paroled or discharged from quarantine at any time by the committing health officer or his successor in charge whenever said person is cured of such narcotic habit, or whenever said officer shall deem it no longer necessary for the public health, safety, and morals to continue the quarantine of said individual. Any person held in quarantine deeming himself cured may make application for discharge to the health officer ordering commitment, or his successor, upon which

application findings in writing shall be made within five days therefrom. In the event that the application is denied the applicant may appeal to the superior court in the manner herein provided from the findings of the quarantine officer in charge that he or she is not cured of such habit: *Provided, however*, That said appeal shall not lie until after said person shall have been in quarantine for a period of at least six months. If upon such hearing the appeal shall be disallowed by the court, the appellant shall be returned to quarantine. If such appeal be allowed, the appellant shall be discharged therefrom. Nothing in sections 6, 7, 8, 9, and 10 of this act shall affect, prevent, or interfere with prosecutions instituted under sections 3 or 4 of this act.

SEC. 11. For the purpose of carrying out the provisions of this act the State board of health shall have the power and authority from time to time to divide the State into such number of quarantine districts consisting of one or more counties or municipalities, or parts of counties or municipalities, as it shall deem expedient, and to establish at such place, or places, as it shall deem necessary, quarantine stations and clinics for the detention and treatment of persons found to be habitual users of narcotic drugs, and to establish any such quarantine station and clinic in connection with any county or city jail, or in any hospital or other public or private institution having, or which may be provided with, such necessary detention, segregation, isolation, clinic, and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such quarantine stations and clinics with the public officers or persons, associations, or corporations in charge of or maintaining and operating such institutions.

SEC. 12. Sections 2509, 2510, and 2511 of Remington's Compiled Statutes (sections 8850, 8851, and 8852, Pierce's Code) are hereby repealed.

SEC. 13. The provisions of this act shall be cumulative with and additional to the existing laws and regulations, and nothing herein contained shall abridge or limit the powers of health authorities as construed by the supreme court of the State of Washington, except as herein otherwise provided.

SEC. 14. Nothing contained in any of the provisions of this act shall apply to any offense committed or act done at any time before the date when this act shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this act had not been passed.

SEC. 15. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional.

Cattle—Tuberculin Testing of—Quarantine or Appraisal and Destruction of Tuberculous Animals—Payments to Owners of Destroyed Animals. Live Stock—Quarantine—Regulations by Director of Agriculture Affecting, Authorized. (Ch. 73, Act Mar. 10, 1923)

SECTION 1: That section 3110 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 3110. On the written application of the owner of any bovine animal to the director of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the director of agriculture to cause such examination and test to be made. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery, and dentistry in this State, and shall qualify by giving a bond to the State of Washington with sufficient surety to be approved by the director of agriculture in the penal sum of \$2,000: *Provided*, That veterinary inspectors of the United States Bureau of Animal Industry may be appointed by the director of agriculture to make the examination and tuberculin test as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this State as the inspector of the department of agriculture: *Provided further*, That such examination and test may be made by a duly licensed and accredited veterinarian who has been authorized by the director of agriculture to make such examination and test. Any such examination and test shall be made subject to rules and regulations of the department of agriculture, and with the same force and effect as if made by an inspector of the department of agriculture. Every such veterinarian authorized to make

such examination and test shall before making any such examination or test furnish and file with the department of agriculture a good and sufficient bond in the penal sum of \$2,000, payable to the State of Washington, conditioned that he will faithfully and honestly perform and discharge any work which he is authorized to undertake under this act. Should the owner or owners of any cattle desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture for making such examination and test in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with said examination and test: *And provided further*, That the director of agriculture or his authorized agent may cause a test to be made of any bovine animal exposed to or suspected of having tuberculosis."

SEC. 2. That section 3111 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 3111. On such examination and test being completed, if the inspector shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy, or meat value. In the event of their failing to agree upon the value, the inspector shall apply to the judge of the superior court of the county where the animal or animals are located to appoint a third appraiser. Each owner, or agent, of tuberculous cattle which have been appraised shall market the cattle within thirty days from date of appraisal and shall obtain from the purchaser a report in quadruplicate, blank forms for which shall be furnished said owner, or agent, by the inspector of the department of agriculture, certifying as to the amount of money actually paid for the animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery, and dentistry in this State. The veterinary inspector or veterinarian shall hold a post-mortem examination and determine whether or not the animal shall be passed to be used for food. The post-mortem examination must conform with the meat inspection regulations of the United States Bureau of Animal Industry. Upon the receipt of said report, in quadruplicate, certifying as to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws or regulations, the department of agriculture shall cause to be paid to the owner of the animal or animals one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, That in no case shall any payment by the department of agriculture be more than \$25 for any grade animal, or more than \$50 for any purebred registered animal. Every appraiser appointed by the judge of the superior court shall receive his actual and necessary traveling expenses and a per diem of \$3 for the time actually spent, to be paid by the State. No indemnity shall be paid for cattle slaughtered on account of tuberculosis to any person who has not owned such cattle for ninety days prior to the date such examination or test is made: *And provided further*, That the State shall not be required to pay the owner of any animal imported into this State within six months prior to the inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this State, or any county, city, or village in this State: *And provided further*, That the expense of herding, caring for, feeding, and transporting or slaughtering all animals under these provisions shall be paid by the owner thereof."

SEC. 3. That Section 3115 of Remington's Compiled Statutes be amended to read as follows:

"SEC. 3115. Quarantine shall mean the placing and restraining of any animal or animals by the owners or agents in charge of them within a certain inclosure described or designated, in writing, by the director of agriculture, or his duly authorized agent or agents, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or to allow to be moved any of such animals from within the quarantined area, or across the quarantine line as established, without first obtaining a permit, in writing, from the director of agriculture, or his duly authorized agent. Animals that are officially declared in quarantine shall at any and all times be kept separate and apart from all other livestock and not allowed to have anything in common with other livestock. It shall be unlawful to sell,

exchange, or in any other way part with the products of said animals, unless permission is first obtained, in writing, from the director of agriculture, or his duly authorized agent. Any owner or owners or agent who fails to comply with or willfully violates or negligently allows such quarantine to be violated shall be guilty of a misdemeanor. The director of agriculture shall have power:

"(a) To promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock in this State, and to this end to promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper governing inspections and tests of all livestock within or intended for importation into this State.

"(b) To promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper for the inspection, testing, and quarantine of all livestock within or imported into this State."

Barbers—Examination of, for License. Barber Shops and Barber Schools—Regulations Prescribing Sanitary Requirements of, Authorized—Posting of Sanitary Regulations in—Inspection—When Declared to be Public Nuisance—Unlawful to Knowingly Serve Person Having Communicable Disease. (Ch. 75, Act Mar. 10, 1923)

SEC. 5. *Examinations.*—Examinations shall be held at least four times in each year, at such times and places as the director of licenses shall determine. Each applicant shall present himself for examination before the examining committee, and shall be examined as to his skill in properly performing all the duties of a barber, including his ability in the preparation and care of the tools used, shaving, cutting of the hair and beard, and all the various services incident thereto, and as to his knowledge of sanitation as applied to the occupation of barbering and as to whether he has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of the occupation of barber.

SEC. 15. *Rules; inspection.*—The director of licenses shall have the power to adopt reasonable rules and regulations prescribing sanitary requirements of barber shops and barber schools and colleges, and it shall be the duty of every person operating any barber shop or college to keep said rules and regulations conspicuously posted therein. The director of licenses or his authorized representative shall have the power to enter and make reasonable examination of any barber shop, barber school or college in this State during the business hours for the purpose of ascertaining the sanitary condition thereof. Any barber shop, barber school or college in which tools, appliances, or furnishings in use therein are kept in an unclean and insanitary condition, so as to endanger health, is hereby declared to be a public nuisance and the proprietor or operator of such barber shop, barber school or college shall be guilty of a misdemeanor and punished as in this act provided.

SEC. 17. *Penalties.*—Any person * * * who shall knowingly serve any person afflicted with a contagious or infectious disease, or violate any of the sanitary rules adopted by the director of licenses, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment.

It shall be the duty of the prosecuting attorney of the county in which any violation of this act shall occur to prosecute any case to final judgment whenever his attention shall be directed to any violation of this act.

WEST VIRGINIA

Filled Milk—Manufacture or Sale of, Prohibited. Milk and Milk Products—Definitions and Standards. (Ch. 56, Act of 1923)

That chapter 150 of the Code of West Virginia be amended by adding thereto sections 30 and 31, which sections shall read as follows:

"Sec. 30. That it shall be unlawful for any person, firm, or corporation, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to manufacture, offer or expose for sale or exchange, or have in his possession with intent to sell, offer or expose for sale or exchange, either in bulk or in containers, sealed or unsealed, under any name whatever, any condensed, evaporated, concentrated, powdered, dried, or desiccated milk, cream, or skim milk to which has been added or with which has been blended or compounded any fats or oils other than milk fats producing what is known as filled milk.

"Any person, firm, or individual [corporation ?] violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 and not more than \$100 for first offense and not less than \$100 and not more than \$250 for each subsequent offense.

"Sec. 31. It shall be unlawful for any person, firm, or corporation, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to manufacture, offer or expose for sale or exchange, or have in his possession with intent to sell, offer or expose for sale or exchange, any milk or milk products that do not conform to the following standards or definitions:

"(a) Milk is the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and shall contain not less than 3 per cent of milk fat and not less than $8\frac{1}{2}$ per cent of solids not fat and $11\frac{1}{2}$ per cent total solids.

"(b) Pasteurized milk is milk that has been subjected to a temperature not lower than 145° Fahrenheit for not less than thirty minutes. Unless it is bottled hot, it is promptly cooled to 50° Fahrenheit or lower.

"(c) Skim milk is milk from which a part or all of the cream has been removed and contains not less than 9 per cent of milk solids.

"(d) Buttermilk is the product that remains when fat is removed from milk or cream, sweet or sour, in the process of churning. It contains not less than 8 per cent of milk solids not fat.

"(e) Condensed milk, evaporated milk, concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains, all tolerances being allowed for, not less than 25.5 per cent of total solids and not less than 7.8 per cent of milk fat.

"(f) Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of total milk solids and not less than 7.8 per cent of milk fat.

"(g) Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than 20 per cent of milk solids.

"(h) Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of milk solids.

"(i) Dried milk is the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

"(j) Dried skim milk is the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than 5 per cent of moisture.

"(k) Cream, sweet cream, is that portion of milk rich in milk fat which rises to the surface of milk on standing or if separated from it by centrifugal force. It is fresh, clean. It contains not less than 18 per cent of milk fat.

"Whipping cream is cream which contains not less than 30 per cent of milk fat.

"(l) Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat and not more than 16 per cent moisture. The addition of vegetable butter coloring is permitted.

"(m) Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet of [or?] lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance, not less than 50 per cent of milk fat. The addition of harmless coloring matter is permitted.

"(n) Ice cream is a frozen substance made from pure wholesome milk products sweetened with sugar and may contain not to exceed one-half of 1 per cent of gelatine, vegetable gum, or other wholesome stabilizer.

"When wholesome and harmless flavoring extracts are used, ice cream shall contain not less than 8 per cent of milk fats and 10 per cent of milk solids not fats. When eggs, fruits, nuts, chocolate, or cake are used, such reduction in the percentage of milk fat and milk solids not fat shall be allowed as may be caused by the addition of such ingredients.

"Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than \$25 and not more than \$50 for the first offense and not less than \$50 and not more than \$200 for each subsequent offense."

"(o) The following definitions apply to the terms used in this section: (1) 'Milk' means the natural secretion of the mammary glands of a cow or other animal, and shall not include any other liquid or substance added to it.

"(2) 'Cream' means the portion of milk which rises to the surface on standing or by centrifugal force, and shall not include any other liquid or substance added to it.

"(3) 'Butter' means the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat and not more than 16 per cent moisture.

"(4) 'Cheese' means the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet of [or?] lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance, not less than 50 per cent of milk fat.

"(5) 'Ice cream' means a frozen substance made from pure wholesome milk products sweetened with sugar and may contain not to exceed one-half of 1 per cent of gelatine, vegetable gum, or other wholesome stabilizer.

"(6) 'Whipping cream' means cream which contains not less than 30 per cent of milk fat.

"(7) 'Dried milk' means the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

"(8) 'Dried skim milk' means the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than 5 per cent of moisture.

"(9) 'Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk' means the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added.

"(10) 'Whipping cream' means cream which contains not less than 30 per cent of milk fat.

"(11) 'Butter' means the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat and not more than 16 per cent moisture.

"(12) 'Cheese' means the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet of [or?] lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance, not less than 50 per cent of milk fat.

"(13) 'Ice cream' means a frozen substance made from pure wholesome milk products sweetened with sugar and may contain not to exceed one-half of 1 per cent of gelatine, vegetable gum, or other wholesome stabilizer.

"(14) 'Whipping cream' means cream which contains not less than 30 per cent of milk fat.

"(15) 'Dried milk' means the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

"(16) 'Dried skim milk' means the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than 5 per cent of moisture.

"(17) 'Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk' means the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added.

WISCONSIN

Communicable Diseases—Designation—Powers and Duties of State and Local Boards of Health—Duties of Local Health Officers—Reports of Cases—Reports by Local Health Authorities to State Board of Health Regarding Epidemics—Posting of List of, in Physicians' Offices and Hospitals—Bacteriological Examinations—Designation of Quarantinable Diseases—Quarantine—Placarding—Hospitalization—Disinfection—Payment by Municipalities for Property Destroyed by Order of Municipal Officials—Payment of Expense of Care and Treatment of Afflicted Persons. Tuberculosis—Reports of Cases—Requirements to be Observed by Infected Persons—Commitment for Care and Treatment of Infected Persons Who Fail to Comply with Law and Regulations—Investigations by Local Boards of Health—Disinfection of Premises Previously Occupied by Infected Person. Venereal Diseases—Reports of Cases—Information and Advice to be Given Patient by Physician—Commitment for Care and Treatment of Infected Persons Who Cease or Refuse Treatment—Reports and Records to be Confidential—Regulations by State Board of Health Authorized—Preparation and Free Distribution of Printed Information and Instructions by State Board of Health—Free Laboratory Examinations for Physicians—Sale of Medicine—Display in Public Places of Written Matter Relating to. (Ch. 448, Act July 14, 1923)

SEC. 13a. A new chapter is added to the statutes to be numbered and entitled:

CHAPTER 143. COMMUNICABLE DISEASES

SEC. 14. Section 143.01 of the statutes is created, and section 1408, that part of section 1416-3 beginning "and no person shall interfere with," and sections 1416-18 and 1412 of the statutes are renumbered and amended to read:

"143.01. *Communicable diseases.*—Asiatic cholera, diphtheria, scarlet fever, smallpox, leprosy, typhus or ship fever, yellow fever, and such other diseases as are in fact communicable, and so determined by the State board of health by rule, shall be within the term "communicable disease," as used in the statutes.

"143.02. *Powers of State board.*—(1) The State board of health may establish such systems of inspection as it deems necessary to ascertain the presence of communicable disease, and any member or authorized agent or inspector of said board may enter any building, vessel, railway car, or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack, for such time as may be necessary.

"(2) In emergency, the board may provide those sick with such disease with medical aid and temporary hospital accommodation and with nurses and attendants.

"(3) The board may close schools and forbid public gatherings in schools, churches, and other places when deemed necessary to control epidemics.

"(4) The board may adopt and enforce rules and regulations for guarding against the introduction of any such disease into the State, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such disease, for the preparation, transportation or burial of corpses, for the speedy and private interment of the bodies of persons who have died from communicable disease, for the sanitary care of jails, asylums, schoolhouses, hotels, and all other public buildings and premises connected therewith; any rule and regulation may be made applicable to the whole or any specified part of the State, or to any vessel, railway car, or other public vehicle. Rules of general application shall be published in the official State paper; but rules, regulations, or orders may be made for any city, village, or town by service thereof upon the local health officer.

Rules, regulations, or orders hereunder shall supersede conflicting local rules, regulations, or ordinances.

"(5) All public officers and employees shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of institutions, buildings, vessels, and vehicles within this section shall cooperate with the State board of health in carrying out its provisions, and if such cooperation be refused or withheld the State board may execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing shall be paid by the county, city, town, or village, except they are incurred for the prevention and control of Asiatic cholera and the State has created a fund for that purpose.

"(6) Any person who shall fail to obey the rules and regulations hereunder, or who shall willfully obstruct or hinder the execution thereof, for each offense shall be fined not less than \$25 nor more than \$500, or imprisoned not more than six months, or both.

"143.03. *Duties of local officers.*—(1) Every local health officer, upon the appearance of any communicable disease in his territory, shall immediately investigate all the circumstances, make a full report to his board and also to the State board of health; he shall at all times promptly take such measures for the prevention, suppression, and control of any such disease as he deems needful and proper, subject to the approval of his board, and shall report to his board the progress of such diseases and the measures used against them, with such frequency as to keep the board fully informed or at such intervals as the secretary may direct.

"(2) Local boards of health may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control epidemics, and under direction of the State board shall furnish antitoxin free to indigent persons suffering from communicable disease.

"(3) If the local authorities fail to enforce the communicable disease statutes and rules, the State board of health shall take charge, and expenses thus incurred shall be paid by the municipality.

"(4) No person shall interfere with the examination under this chapter of any place or its occupants by health officials or their assistants, nor with any notice posted under this chapter."

SEC. 15. Subsection 8 of section 1411r, sections 1412a, 1412c, 1416-1, 1416-2, the last sentence of section 1412m-3, the first sentence of section 1412m-1, subsections 2, 3, and 4 of section 1412m-2, section 1416-3 down to "and no person shall interfere," and subsection 2 of section 1416-12 of the statutes are consolidated, revised, and renumbered to read:

"143.04. *Reports of cases.*—(1) A physician knowing or having reason to know that a person treated or visited by him has a communicable disease, or having such disease has died, shall report the same to the local health officer, commissioner, or board.

"(2) If no physician is in attendance, the same duty shall apply to the head of the family, or if the sick person is not a member of the family, to the person actively in charge of the building.

"(3) Anyone having knowledge or reason to believe that any person has a communicable disease shall report the facts to a local health official.

"(4) Reports under subsections (1) and (2) hereof shall state so far as known the name, sex, age, and residence of the sick person, the disease, and such other facts as shall be required, and shall be upon furnished blanks. The blanks shall be furnished by the State board of health and distributed by the local health officer.

"(5) All reports shall be made within twenty-four hours, and may be mailed or, except in cities, left with or at the residence of any health official, within that time.

"(6) The local health officials shall transcribe the report into a permanent record and within seven days transmit the original to the State board, stating therein what investigation was made and what steps taken to prevent spread of the disease.

"(7) When an epidemic occurs, the local health officials shall within thirty days after it has subsided, report to the State board the origin, means of spread, number of cases, and number of deaths.

"(8) A list of communicable diseases shall be displayed in a prominent place in each physician's office and in each institution for the treatment of the sick. The list shall be printed on a card not less than 1 foot square furnished without cost by the State board of health.

"(9) In diagnosing communicable diseases in patients accepted for treatment, physicians shall use ordinary skill and bacteriological examinations where the same would be of material value in disclosing such disease. If there is a dispute regarding diagnosis, if a bacteriological examination will aid, the local health officer shall order it made by the State laboratory of hygiene.

"(10) A physician violating subsection (9), and any person violating subsections (1) to (5), inclusive, hereof, shall be fined not less than \$5 nor more than \$100, or imprisoned not less than five nor more than ninety days, or both, or subjected to a forfeiture to the school fund of not less than \$5 nor more than \$25 dollars for each day. Upon a second or subsequent conviction of a physician, the board of medical examiners shall suspend his license for one year.

"(11) When violation hereof is reported to him by a local or state health officer the district attorney shall forthwith prosecute the proper action, and upon request of the State health officer, the attorney general shall assist."

SEC. 16. The first paragraph of section 1412m-3 and subsection 1 of section 1416-12, are repealed, and subsection 2 of section 1407a-6, section 1411-5, the last two sentences of section 1412m-1, and sections 1416-15, 1416-15a, 1416-16, 1416-17, 1417 and 1414m, of the statutes are renumbered and amended to read:

"143.05. *Quarantine*.—(1) The State board of health may establish quarantine. Communicable diseases that public safety requires be quarantined, and as to which that fact is determined by the State board of health by rule, shall be within the term quarantinable disease, as used in the statutes.

"(2) Local boards of health with the consent of the State board may establish quarantine within their territory, and for cities within 5 miles of the limits.

"(3) When a health officer shall know, suspect, or be informed of the existence of any communicable disease, he shall cause it to be at once examined and upon being notified as provided in subsections (1) and (2) of section 143.04, which shall be prima facie evidence of the fact, or having knowledge of the existence of any disease which has been designated by the State board to be quarantinable, shall immediately quarantine the infected place, and the family, if necessary, in such manner and for such time as the State board provides in its rules. A placard shall be posted in a conspicuous position on the place giving the name of the disease or the word 'quarantine' in letters not less than 2 inches high, and containing the following: 'All persons, except the health officer or his representative, attending physicians and nurses and clergymen are forbidden to enter or leave these premises without a special written permit from the health officer, and all persons are forbidden to remove, obscure, or mutilate this card or to interfere in any way with this quarantine without written orders from said health officer, under penalty of fine or imprisonment.'

"(4) The local health officer upon being notified or having knowledge of the existence of cases of influenza, measles, rotheln, whooping cough, chicken pox, typhoid fever, and leprosy shall immediately placard the infected place by posting conspicuously thereon a card giving the name of the disease in letters not less than 1 inch high, and containing the following: 'All persons are notified of the presence of this disease and on account of its communicable character are warned against visiting or coming in contact with those sick with it. All persons sick with this disease are prohibited from leaving the premises or coming in contact in anyway with the general public. All persons are forbidden to remove, obscure, or mutilate this card or to interfere in any way with these restrictions, under penalty of fine or imprisonment.'

"(5) The local board shall employ as many persons as are necessary to execute its orders and properly guard any quarantined place if quarantine is violated or intent to violate quarantine is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the State laws for the prevention and control of communicable diseases, or the orders, rules, and regulations of any board of health.

"(6) (a) When the health officer deems it necessary that such afflicted person be quarantined in a separate place, he shall remove him, if it can be done without danger to his health, to such place, and the expense of such removal shall be paid by the municipality.

"(b) When a person confined in a jail, county asylum, workhouse, or poorhouse has a disease which the local health officer deems dangerous to the other inmates or the neighborhood, the board shall, by its order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept. If he recover he shall be returned; and if he

was committed by a court or under process the removal order or a copy shall be returned by the board, with their doings thereon, to the committing court officer.

"(7) All residences where a quarantinable disease exists shall be placarded by the health officer while the disease is present and until disinfection.

"(8) The health officer shall cause to be disinfected, by methods approved by the State board, rooms, clothing, and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one.

"(9) If property is destroyed by order of municipal officials, to stamp out or prevent the spread of communicable disease, the governing body may, upon certificate of the health officer that the destruction was necessary and of the amount and value, pay for it to the extent of \$100 for property owned or in the possession of a single family. And not to exceed the value certified.

"(10) Expenses for necessary nurses, medical attention, food, and other articles needed for the comfort of the afflicted person, shall be a charge against him or whoever is liable for his support. Indigent cases shall be cared for at municipal expense. If he is a legal resident of another municipality of this State the expense of care shall be paid by such municipality, or by the county where the county system for the care of the poor has been adopted, when a sworn statement of such expense is sent to the proper officers within thirty days after quarantine is removed. In counties having a population of two hundred fifty thousand or more the expense for indigents shall be paid by the municipality in which incurred.

"(11) Anyone without authority interfering with any placard or sign hereunder, or violating this section, shall be fined not less than \$5 nor more than \$100 or imprisoned not less than five nor more than ninety days."

Sec. 17. Sections 1416-4 to 1416-11, inclusive, of the statutes, are renumbered and amended to read:

"143.06. *Tuberculosis*.—(1) Every physician or person, or owner, agent, manager, principal or superintendent of an institution, hotel or boarding or lodging house, shall cause to be reported to the local board of health in writing, the name, age, sex, occupation, and latest address of every person afflicted with tuberculosis who is in their care or who has come under their observation, within one week of such time. The report shall be confidential to the extent that the name or address of the patient shall not be published by any newspaper, or publication of general or special circulation.

"(2) Every person sick with tuberculosis, or in attendance, and the authorities of such places, shall observe and enforce the rules and regulations of the health board for preventing spread.

"(3) No person with tuberculosis of the lungs or larynx, or any other disease whose virus or infecting agent is contained in the sputum or other secretions shall deposit his sputum, or other infectious secretion, in such a place as to cause offense or danger. He shall provide himself with a receptacle in which to deposit his sputum, or other infectious secretion, and the contents of said receptacle shall be burned or thoroughly disinfected.

"(4) If any person afflicted with tuberculosis, as shown by the examinations made in the State laboratory of hygiene, fails to comply with this section or the tuberculosis rules of the State board of health, he may be committed to a county tuberculosis hospital or any other place or institution where proper care will be provided and where the necessary precautions will be taken by any judge of a court of record upon proof that such person has so offended. Complaint may be made by any health officer or any resident of the municipality where the offense was committed, and the judge shall notify the person complained of and give him opportunity to be heard. The court may make such order for payment for care and treatment as may be proper. Such person may be discharged when the court thinks proper. If any person so committed fails to remain, or to obey the rules and regulations of the institution, the superintendent may separate him from other persons and restrain him from leaving.

"(5) Upon complaint of any responsible person the local board of health shall at once investigate and if it finds conditions dangerous to health it shall make and enforce the necessary orders.

"(6) If any place be vacated by death from tuberculosis, or by removal of a consumptive, the person or physician in charge shall notify the local health officer within twenty-four hours and the place shall not again be occupied until disinfected. The health officer shall immediately visit the place and order the same and all infected articles properly disinfected. If there shall be no remaining occupants the health officer shall give notice in writing to the owner or his agent ordering such disinfection. If the order of the health officer is not complied with

within thirty-six hours the health officer shall cause a placard to be placed upon the door, as follows:

"NOTICE.—Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order for their disinfection has been complied with. This notice must not be removed under penalty."

"(7) For the purpose of this section persons in charge of common carriers shall have police powers.

"(8) The penalties prescribed in subsection (11) of section 143.05 shall apply to this section."

SEC. 18. Section 1417m of the statutes is renumbered and amended to read:

"143.07. *Venereal disease*.—(1) Any person afflicted with gonorrhea, chancroid, or syphilis in its communicable stage is declared a menace to the public health. A physician called to attend a person so afflicted shall report to the State board of health in writing, on blanks furnished by said board and as it directs, his age, sex, and conjugal condition and the name of the disease.

"(2) A deputy State health officer having knowledge of any known or reasonable [sic] suspected case of such a menace for which no treatment is being administered under the supervision of a physician authorized to prescribe drugs shall forthwith report such case to the State board of health in the same manner. The board shall immediately investigate by such means as may be necessary.

"(3) A physician treating such a person shall fully inform him of the danger of transmitting the disease and he shall advise against marriage while the person has the disease in a communicable form.

"(4) When a person so afflicted ceases taking treatment before reaching the noncommunicable stage, or when a person has been informed by a physician that such person is so afflicted, and refuses treatment, the physician shall forthwith notify the State board of health, giving the age, sex, and conjugal condition of the person afflicted and the disease. The board shall, without delay, take such steps as shall be necessary to have said person committed for treatment.

"(5) [See section 11 of chapter 449, Acts of 1923] Any such person who thus ceases or refuses treatment may upon complaint, be committed by the judge of any court of record to any county or State institution where proper care and precautions will be provided upon proof. Complaint shall be made by the State or a deputy State health officer and notice given the person complained against. Commitment shall continue until the disease is no longer communicable, or until other provisions satisfactory to the State board of health are made for treatment, the certificate of the officer making the complaint being prima facie evidence of either.

"(6) During commitment, medical treatment shall be furnished without charge but not cost of maintenance unless the person is indigent, when such cost shall be paid by the county of his residence, or if he have none, out of the appropriation made by subsection (2) of section 20.43. Each county shall make such provision as may be required by the State board of health for the care and treatment hereby required.

"(7) [See section 12 of chapter 449, Acts of 1923] Reports, examinations, and inspections, and all records thereof, made under this section shall be confidential and not open to public inspection, and no part thereof shall be divulged except as may be necessary for the preservation of the public health.

"(8) The State board of health may prescribe reasonable rules and regulations for carrying out this section, and with the approval of the governor, regulate the presence and conduct of civilians within a designated zone around any military or naval cantonment or training station.

"(9) The State board of health shall prepare for free distribution upon request to citizens of the State, printed information and instructions concerning venereal diseases.

"(10) The State laboratory of hygiene and branch and cooperative laboratories shall make microscopical examinations for the diagnosis of gonorrhea, and the psychiatric institute the necessary examinations of blood or secretions for the diagnosis of syphilis, for any physician in the State, without charge.

"(11) No person not a physician licensed in this State shall give, sell, prescribe, or recommend any drugs, or other substance for syphilis, gonorrhea or chancroid, or compound any such except on written prescription bearing date and signed by a physician licensed in this State.

"(12) No person having the supervision or control of any public place shall display or permit to be displayed any written matter relating to venereal disease, except governmental publications.

"(13) [See section 13 of chapter 449, Acts of 1923] Violation of this section shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both."

Communicable Diseases—Designation—Attendance at Schools and Gatherings—Exclusion from Common Carriers—Restrictions on Children—Reports of Cases—Quarantine—Isolation—Placarding—Precautions by Physicians—Disinfection—Cleaning—Definitions of Terms—Carriers—Contacts—Record and Reports of Sales of Diphtheria Antitoxin—Control Measures for Specific Diseases—Burial—School and Library Books—Handling, Sale, and Use of Dairy Products from Infected Premises. (Reg. Bd. of H., Jan. 30, 1923)

RULE 1. *Dangerous communicable diseases.*—The following are declared to be "dangerous and communicable diseases:" cerebrospinal meningitis (epidemic), chancre, chicken pox, cholera, (Asiatic), diphtheria, erysipelas, gonorrhea, infantile paralysis (poliomyelitis anterior), influenza (in epidemic form), leprosy, lethargic encephalitis (sleeping sickness), measles, mumps, ophthalmia neonatorum, plague, pneumonia, rubella (rotheln or German measles), scarlet fever, smallpox, syphilis, trachoma, typhoid fever, typhus fever, tuberculosis (of any organ), whooping cough, and yellow fever. All reasonably suspected cases of dangerous communicable diseases shall be regarded as actual cases until proved otherwise and all rules and regulations applicable to actual cases shall be applied to them.

RULE 2. *Exclusion from school, assemblages, and public conveyances.*—No person suffering from cerebrospinal meningitis (epidemic), cholera (Asiatic), chicken pox, diphtheria, infantile paralysis, influenza, measles (including German measles), mumps, plague, scarlet fever, smallpox, typhus fever, whooping cough, or yellow fever shall be admitted to any public, parochial or private school, college or Sunday school, or shall enter any theater, assemblage, or railway car, street car, vessel, or steamer, or other public conveyance.

RULE 3. *Exclusion of contacts.*—No person shall be admitted to any public, parochial or private school or college, or Sunday school, from any family in which cerebrospinal meningitis (epidemic), cholera, diphtheria, infantile paralysis, influenza (in epidemic form), measles (including German measles), plague, scarlet fever, smallpox, typhus fever, whooping cough, or yellow fever exists. (See rule 10 for exception in cases of smallpox and rule 12 for exceptions in measles and whooping cough.)

RULE 4. *Duty of parents.*—No parent, guardian, or other person having charge or control of any child or children shall allow or permit such child or children to leave the premises from any family in which a case of cerebrospinal meningitis (epidemic), cholera, diphtheria, infantile paralysis, influenza (in epidemic form), measles (including German measles), plague, scarlet fever, smallpox, typhus fever, whooping cough, or yellow fever has recently occurred, without a permit from the board of health or its proper officer. (An exception is made in measles, smallpox, and whooping cough.)

RULE 5. *Physicians and others to report.*—It shall be the duty of every physician called to attend a person sick, or supposed to be sick, with any of the diseases declared to be dangerous and communicable by the State board of health, within twenty-four hours thereafter to report in writing, the name and residence of such person to the local board of health, or its proper officer within whose jurisdiction such person is found; and where a person is taken sick with any of the aforesaid named diseases as are declared dangerous and communicable by the State board of health, and a physician is not called, it shall in like manner be the duty of the owner or agent of the building in which such person resides, lives or is staying, or of the head of the family or guardian in which such disease occurs to report, in writing, the name and residence of the patient to the local board of health or its proper officer.

NOTE.—The publication of the name and address of a patient suffering from tuberculosis is prohibited, section 1416-4, of the Statutes.

RULE 6. *Quarantinable diseases.*—It shall be the duty of the health officer of every local board of health in this State, when a case of cerebrospinal meningitis (epidemic), cholera (Asiatic), diphtheria, infantile paralysis, plague, scarlet fever, smallpox, typhus fever, and yellow fever is reported within his jurisdiction to at once quarantine the house, tenement, room, or other building as provided by section 1416-15 of the statutes.

RULE 7. *Placardable diseases.*—Every local health officer having jurisdiction, upon being notified or having knowledge of the existence of cases of chicken pox,

influenza, leprosy, measles, German measles, typhoid fever, and whooping cough, shall immediately in person or by deputy placard the infected house, rooms, or premises, as required by section 1416-15 of the statutes.

RULE 8. Precautions to be observed by physicians.—Every physician attending a person affected with any of the aforesaid named diseases shall use every possible precaution to prevent communication of the disease to others. To this end the board recommends that a cap and gown or some sufficient cover for the clothing be worn by physicians while in the presence of dangerous communicable diseases. The face and hands should be washed with soap and water or some disinfecting solution after caring for a patient afflicted with a dangerous communicable disease.

RULE 9. When disinfection is required.—Any house or building and its contents in which a case of epidemic cerebrospinal meningitis, cholera, chicken pox, diphtheria, plague, poliomyelitis, scarlet fever, smallpox, tuberculosis, typhoid fever, or typhus fever has occurred shall be disinfected under the immediate supervision of the local board of health or its proper officer in the following manner required by the State board of health:

DEFINITIONS

1. *Quarantine.*—By quarantine is meant prohibiting anyone from entering or leaving the premises except the health officer, licensed physician, clergymen or the nurse in attendance on the case.

2. *Placarding* signifies that all persons sick with the disease for which home is placarded are prohibited from leaving the premises or coming in contact in any way with the general public.

3. *Isolation* is defined to be the separating of persons suffering from a communicable disease or carriers of the infecting organism or agencies from other persons in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

4. A *carrier* is a person who, without symptoms of a communicable disease, harbors and disseminates the specific microorganisms.

5. *Contact.*—A "contact" is any person known to have been sufficiently near to a human infected person to have been exposed to transfer of infectious material directly, or by articles freshly soiled with such material.

6. *Cleaning* signifies the removal by scrubbing and washing of organic matter on which and in which bacteria may find favorable conditions for prolonging life and virulence.

7. *Concurrent disinfection* is defined as the application of disinfection immediately to the discharges from the body of an infected person and to soiled articles.

8. *Terminal disinfection by chemical means* is defined to be the washing of all woodwork, doors, casings, ledges, floors, furniture, and other articles which may be infected, with a proper solution of bichloride of mercury, carbolic acid, or other approved disinfectant, containing on the package or container the phenol coefficient as determined by the Hygienic Laboratory, United States Public Health Service, Washington, D. C.

9. *Terminal disinfection by physical means* is defined to be the washing of all surfaces and articles which may be infected, with soap and water, or lye and water applied thoroughly with a scrub brush or wash cloth.

Disinfection of excreta.—When required by these rules, all excreta leaving the patient in the discharges from the body must be disinfected at once, using six ounces of carbolic acid to the gallon of water; the milk of lime (water from freshly slaked lime), using eight parts of water to one part of lime; chloride of lime used as a powder with equal parts of excreta, or other approved disinfectant. The material to be disinfected should be left in vessel with disinfecting solution for at least one hour before emptying. Flies should never be allowed to come in contact with excreta of any kind.

Disinfection of fabrics.—The clothing, bed linen and any materials which have in any way come in contact with the patient must be thoroughly disinfected either by boiling or immersing in an approved disinfecting solution.

Determination of phenol coefficient.—The hygienic laboratory method of determining the phenol coefficient of disinfectants is hereby adopted as the standard for all disinfecting preparations sold in Wisconsin and all manufacturers or distributors offering disinfectants for sale in Wisconsin shall state on the label of each package the phenol coefficient as determined by the Hygienic Laboratory of the United States Public Health Service.

Approved disinfectants for washing and cleaning.—Bichloride of mercury, 1 dram (one-eighth ounce) to a gallon of water; carbolic acid, 2 ounces to a gallon of water; formaldehyde, 3 ounces to a gallon of water; or other approved disinfectant. Strong soap suds and water or lye and water, if applied to all surfaces and articles which may be infected, can be used instead of chemicals, but the work must be thoroughly done under the direct supervision of health officer or a representative of the health board.

Sulphur disinfection prohibited.—Sulphur can not be used for disinfection purposes after death or recovery from a dangerous communicable disease.

Specific requirements.—After death or recovery from the following dangerous communicable diseases and before the quarantine sign or placard is removed the following regulations governing disinfection must be complied with:

Cerebrospinal meningitis (epidemic).—Concurrent disinfection of discharges from the nose and mouth and of articles soiled therewith. Thorough cleaning or disinfection of infected rooms before quarantine is removed.

Chicken pox.—Concurrent disinfection of articles soiled by discharge from lesions. Thorough cleaning of premises before placard is removed.

Cholera (Asiatic).—Prompt and thorough disinfection of the stools and vomited matter. Articles used by and in connection with the patient must be disinfected before removal from the room. Food left by the patient should be burned. The bodies of those dying of cholera should be cremated or wrapped in a sheet wet with a strong disinfectant solution and placed in water-tight casket. The room in which a sick patient was isolated should be thoroughly cleaned and disinfected.

Diphtheria.—Concurrent disinfection of all articles which have been in contact with the patient and all articles soiled by discharges from the patient. Terminal disinfection by chemical means and thorough cleaning of premises before the quarantine is removed.

NOTE.—All woodwork, doors, casings, ledges, floors, furniture, and other articles or surfaces which may be infected must be carefully washed with a chemical disinfectant as described under the title "Approved disinfectants for washing and cleaning." The room occupied by the patient must be thoroughly aired and flooded with sunlight if possible after being disinfected.

Infantile paralysis.—Concurrent disinfection of all nose, throat and bowel discharge[s] and all soiled clothing or bed linen. Infected rooms must be thoroughly cleaned and disinfected before removal of quarantine.

Plague.—Concurrent disinfection of all discharges and articles freshly soiled therewith. Thorough cleaning and disinfection of infected rooms before removal of quarantine.

Scarlet fever.—Concurrent disinfection of all articles which have been in contact with a patient and all articles soiled with the discharges of the patient. Terminal disinfection by chemical means and thorough cleaning of premises required before quarantine is removed.

NOTE.—All woodwork, doors, casings, ledges, floors, furniture and other articles or surfaces which may be infected must be carefully washed with a chemical disinfectant as described under the title "Approved disinfectants for washing and cleaning." The room occupied by the patient, must be thoroughly aired and flooded with sunlight, if possible, after being disinfected.

Smallpox.—Concurrent disinfection of all discharges and articles soiled therewith. Thorough cleaning or disinfection of premises before quarantine is raised.

Tuberculosis.—Concurrent disinfection of sputum and articles soiled with it. Particular attention must be paid to prompt disposal of disinfection of sputum, handkerchiefs, cloths, and of eating utensils used by the patient. After the death or removal of the patient the premises should be thoroughly cleaned or disinfected.

Typhoid fever.—Concurrent disinfection of all bowel and urinary discharges, discharges from the nose and mouth and articles soiled by them. Thorough cleaning of infected rooms before placard is removed.

RULE 10. Duration of quarantine.—The isolation of patients and duration of quarantine in dangerous quarantinable diseases shall be as follows:

(a) *Cerebrospinal meningitis (epidemic).*—1. Patient must be quarantined for at least two weeks, from the time the case is reported to the health officer, and until temperature has become normal.

2. In case epidemic conditions prevail in a locality the local health officer shall quarantine all persons living in family with the patient until such time as quarantine is terminated or until a nasal test proves negative.

3. All proven carriers must be isolated until two consecutive negatives, taken not less than 24 hours apart, are obtained. In the case of chronic carriers special arrangements for protecting the public must be made with the State health officer.

(b) *Cholera and yellow fever*.—For the patient: Quarantine until after complete recovery and disinfection of the premises. For exposed persons: Quarantine for five days from the date of last exposure.

(c) *Diphtheria*.—Patient: 1 Quarantine for patient at least ten days from the time case is reported to health officer, and thereafter until two cultures from both the nose and throat, taken not less than twenty-four hours apart, are negative to diphtheria bacilli, and person, clothing, and home have been disinfected.

Contact: 1. Members of family and persons in the home with the patient who desire to leave the home, or in cases where patient is removed to an isolation hospital, must be quarantined until one culture from both the nose and throat shows the absence of diphtheria bacilli, and until the person and clothing have been disinfected. In cases where patient is removed to an isolation hospital or elsewhere, the home must be disinfected before quarantine is removed. Such persons must not come in contact with patient after culture is taken.

2. Persons remaining in the home with the patient must remain in quarantine until a culture from both the nose and throat is negative to diphtheria bacilli, and person and clothing have been disinfected. Release cultures for well members of the family shall not be taken until one negative release culture has been obtained from patient.

3. Children in the family with the patient may return to school after taking up their residence elsewhere for five days and obtaining cultures from both the nose and throat which are negative to diphtheria bacilli, the first culture to be taken at the time of removal from the home where the patient is quarantined, the second culture to be taken not earlier than the fourth day after removal from the house where the patient is quarantined. Children coming under this rule may be removed from the house immediately upon the diagnosis of diphtheria without waiting for the first negative swab, provided the child is removed to a family where there are no children and that a swab is taken at the time the child leaves the house.

4. Contacts not in the home with the patient must be cultured for diphtheria bacilli, and if found positive must be quarantined according to the rules for patients or treated as carriers, as the case may be.

Carriers: 1. By the term "carriers" is meant all individuals who, although apparently well, harbor diphtheria bacilli in the nose or throat or both. All carriers must remain under quarantine for five days and thereafter until two successive cultures from both the nose and throat, taken not less than twenty-four hours apart, are negative to diphtheria bacilli and after disinfection of person, clothing, and premises.

Exception to the above quarantine rule can be made in that class of carriers who have not been exposed to a clinical case of diphtheria or have no history of recent sore throat or other [in]disposition, and also in those persons who have been in quarantine for a period of five weeks since the first terminal culture and are still positive. These may be isolated upon the premises, such isolation to consist of having a separate room, separate meals, and separate or sterilized eating utensils and no association with others of the household. All members of the family are to receive a negative test of the nose and throat at the beginning and the end of the isolation of the patient, but shall not be confined at home or away from their vocations or from school after the first negative test. Failure to follow the above requirements shall result in quarantine.

In cases which for any reason it is impossible to obtain release cultures the period of quarantine shall be six weeks from the date on which the disease is reported to the health officer.

NOTE.—*Diphtheria carriers*.—A certain number of those who have diphtheria become carriers. Sometimes the organisms persist in throat and nose for months after the patient is well. It is necessary, therefore, to isolate these carriers so that the disease may not be spread.

There are some who have never had the disease and yet harbor the organisms in their throats. When transmitted to other persons these organisms may cause virulent diphtheria. These carriers should be located so that the further spread of the disease may be prevented.

(d) *Infantile paralysis (poliomyelitis)*.—For the patient: It shall be the duty of the health officer to establish and maintain quarantine of entire family for every case or reasonably suspected case of infantile paralysis in the acute stage for at least three weeks from the time the case is reported to the local health officer and until patient and premises have been thoroughly disinfected.

All discharges from patient and all articles soiled by such discharges must be thoroughly disinfected or burned. The room or bed and all excreta from patient must be carefully screened from flies.

Contacts.—All children who have been associated with the patient must be isolated for ten days from the date of last exposure.

When the patient is properly isolated in the home adults who are engaged in gainful occupations may leave the premises if they do not come in contact with children, do not handle foods, and do not come in contact at any time with a considerable number of people.

(e) *Plague*.—For the patient: Quarantine until after recovery and disinfection of the premises.

For exposed persons: Quarantine for eight days from the date of last exposure.

(f) *Scarlet fever*.—For the patient: Quarantine for at least twenty-eight days from the time the case is reported to the local health officer and as much longer as the severity of the case may demand, that is, until mucous membranes of nose and throat are normal, complete disquamation or scaling of the skin of the patient and disinfection of the patient and premises.

Quarantine of all adults living in the family with or in any way exposed to the patient while the house remains quarantined, unless said adults submit to thorough disinfection of their person and clothing and take up their residence in some other building during the time said quarantine is maintained.

Children in a family associated with a case of scarlet fever may be removed to a separate building after disinfection of their person and clothing and must be kept in isolation for a period of ten days or until the symptoms of scarlet fever develop.

When a patient suffering from scarlet fever is removed to an isolation hospital, the premises from which such patient is taken must be thoroughly disinfected, and all children in the same household must be kept in isolation for a period of ten days from the date on which the afflicted patient was removed from the home.

Children convalescing from scarlet fever must not attend school for at least six weeks from the beginning of quarantine.

Well children in the home with scarlet fever patient may be liberated upon removal of quarantine.

NOTE.—Local governing bodies are authorized to make and enforce additional regulations if found necessary.

NOTE.—Scarlet fever usually begins with a sore throat, some fever, and a rapid pulse. A scarlet red, finely mottled rash usually appears in from one to two days. In many mild cases the rash only lasts a few hours and in some cases there is no perceptible rash or temperature. Any child with a sore throat who has been exposed to scarlet fever should be considered as a suspected case and isolated until a definite diagnosis is made.

(g) *Smallpox*.—For the patient: Quarantine until all crusts or scales have fallen off or been removed and the disinfection of the patient and premises.

For exposed persons: Quarantine for fourteen days from the date of last exposure, unless the exposed person submits to immediate vaccination.

NOTE.—If exposed persons are vaccinated at once, they may live at the home which is under quarantine and go about their work as usual, provided they obtain a written permit to do so from the health officer. Immediate vaccination or quarantine is required under this rule even though the exposed person has previously been successfully vaccinated or had smallpox. The sale of milk or other dairy products from a home quarantined for smallpox is permitted if the person or persons who have the disease do not come in contact in any way with the milk products, wash the milk utensils, or care for the stock. Well children can go to school from the home if they are vaccinated and do not come in contact in any way with the smallpox patient or clothing soiled by the patient. The patient must be isolated in the home.

(h) *Typhus fever*.—For the patient: Quarantine until after complete recovery, and disinfection of premises.

For exposed persons: Quarantine for twenty-one days from date of last exposure.

RULE 11. *Records of diphtheria antitoxin sales*.—It shall be the duty of all druggists or other persons who sell or distribute diphtheria antitoxin in this State, to report to the health officer or health commissioner of the township, incorporated village, or city, in which such drug store or other distributing station is located, within twenty-four hours, all sales of diphtheria antitoxin, giving the name of the person to whom sold, the name and address of the patient, and the date of sale. Such report shall be made in writing, by telephone, or in person.

The druggist or other distributor shall keep a record of all sales of diphtheria antitoxin, which shall be open to examination at all reasonable hours by any health officer or other public health official.

RULE 12. *Placarded diseases*.—For the better prevention and control of chicken pox, influenza, leprosy, measles (including German measles), typhoid fever and whooping cough, the following minimum State regulations shall be complied with.

Chicken pox.—Patient can not attend school or leave premises for at least fourteen days from the time case is reported to the local health officer and until after complete recovery. Well persons in infected family may attend school or go to work. Children under 12 years of age from other families can not enter or remain upon premises while home is placarded.

Influenza (la grippe in epidemic form).—1. Every physician engaged to treat a case of influenza (in epidemic form) or who shall have personal knowledge of any case of said disease, shall, within twenty-four hours thereafter, report the same in writing to the local health officer, giving full name, age, and address of the patient. When a physician is not employed the responsible head of the family, or the owner, agent, manager, principal, or superintendent of any public or private institution or dispensary, hotel, boarding house, or lodging house shall report the case to the health officer. Cases of influenza should be reported to the health officer immediately by telephone.

2. All houses in which there is a case of influenza (la grippe) or pneumonia associated with influenza shall be placarded in a conspicuous place with a red card on which shall be printed the word "influenza" at least one inch in height; all persons having such disease shall be isolated in the home or hospital and no person shall be allowed to enter said home or the sick room at the hospital except the attending physician, nurse, members of the health board, and health officer, without the permission of the health officer or one of his assistants.

3. All homes shall be placarded by or under the direction of the local health officer and the said placard shall not be removed until at least four days after the temperature has registered normal in the last case occurring in such home. (It is not safe for anyone who has had influenza to return to usual vocation for at least ten days from the time his temperature is normal).

4. All individuals in the home, except those who are engaged in gainful occupations, shall be prohibited from leaving the premises as long as the home remains placarded. Individuals in the home not afflicted with the disease who are engaged in gainful occupations may be permitted to follow such occupations on the condition that they do not frequent public meetings, churches, schools, theaters, pool rooms, billiard halls, saloons, or any place where people from time to time congregate in considerable numbers. Teachers and such other persons with a gainful occupation or business who, in the opinion of the local board of health, may be dangerous factors in the spread of influenza on account of their association with large numbers of people shall, when influenza is present in the home, take up their residence in another home free from the disease or be quarantined.

5. After patients have recovered from influenza (la grippe) or pneumonia associated with influenza, the house shall be thoroughly aired, the woodwork washed with soap and water or an approved disinfectant; all bed clothing used by the patient shall be boiled or thoroughly cleansed and aired.

6. All police officers shall prevent loitering in public places and assist the health officer in the enforcement of all ordinances, rules, and regulations for the protection of the public health, when influenza is epidemic in any township, incorporated village, or city.

7. Any person having influenza shall be confined to a large, well-ventilated room of proper temperature, as remote from other occupants of the premises as is practicable and necessary to avoid contact.

The period of isolation shall continue during the course of the disease and until all clinical manifestations of the disease have disappeared and the temperature has been normal for four successive days.

All discharges from the respiratory tract, mouth, throat, and nose of the patient shall be received in cloths which shall be burned immediately after using, or deposited in vessels containing an approved disinfecting solution.

Soiled body and bed clothing shall be disinfected by boiling or by immersion in an approved disinfecting solution. Any article used by the patient or attendants, such as knives, forks, spoons, glasses, cups, plates, etc., must be disinfected before leaving the sick room. Floors, furniture, and woodwork should be wiped up daily with an approved disinfecting solution.

8. Whenever influenza is epidemic or threatens to become epidemic in the community, visitors shall be excluded from hospitals, asylums, and other similar institutions, except in case of actual emergency, such as impending death, and shall be admitted then only when every precaution is taken to protect the patient, attendants, and other inmates, the visitor, and the public.

9. Attendance at funerals in cases of death from influenza or pneumonia following influenza shall be limited to members of the immediate family and others assisting in the burial rites.

NOTE.—While there is still some uncertainty as to the nature of the microorganism causing influenza it is almost certain that the disease is communicable from person to person. The most common manner in which the infection is spread is by the droplets thrown off during sneezing, coughing, or speaking. Other common vehicles for the transmission of influenza and other germ diseases are soiled hands, common drinking cups, roller towels, infected food, and improperly cleaned eating and drinking utensils in establishments dispensing food and drink. Measures directed to the elimination of these conditions, whether compulsory or educative in character, should be instituted.

Information concerning the character and means of preventing influenza should be freely circulated by means of publicly displayed posters, appropriately worded slides in moving-picture houses, conservatively written newspaper articles, or other effective methods.

Leprosy.—Patient must be isolated in home or hospital and premises placarded. Application should be made for admission to national leprosarium.

Concurrent disinfection of all discharges and articles soiled with discharges.

Quarters occupied by patient must be thoroughly cleansed after death or removal of patient.

Measles, including rōtheln (German measles).—1. Cases must be reported to local health officers within twenty-four hours.

2. Conspicuous placard on house and isolation of patient for fourteen days from the time the case is reported to the local health officer.

3. Children who have measles are not permitted to leave the premises, and all children other than members of the family shall not enter or remain upon the premises while the home is placarded. Children who have had measles may attend school. Well children in the family who have not had measles may return to school after fourteen days from the date of the last exposure, dating such exposure from the beginning of the rash in the last case to which the person was exposed.

4. There are no restrictions on the adult members of the family.

5. Thorough disinfection (not fumigation) of the infected rooms and contents after death or recovery and before placard is removed.

Typhoid fever (paratyphoid).—1. Cases must be reported to the local health officer within twenty-four hours after discovery by the attending physician.

2. The premises must be placarded in such manner that the placard can be easily seen by anyone approaching the home.

3. It shall be the duty of the health officer when he placards the home to instruct the nurse or other person in charge of patient in the disinfection and disposal of all excreta.

4. Patient must not engage in handling food products until two successive negative fecal samples at intervals of not less than seven days are obtained.

5. All persons not under treatment for typhoid fever who harbor typhoid bacilli in the discharges are declared to be typhoid carriers.

6. The local health officer upon the discovery of a typhoid carrier shall immediately report such facts concerning the case as the State board of health may require.

7. No typhoid carrier shall engage in any occupation involving the handling of milk or other food products to be consumed by others.

NOTE.—*Antityphoid vaccine.*—Vaccine for immunization against typhoid fever is furnished free by the State Laboratory of Hygiene. Physicians requiring this prophylactic material should communicate with the Director, State Laboratory of Hygiene, Madison.

NOTE.—*Typhoid fever carriers.*—Persons who have had typhoid fever become disseminators of the disease for varying periods. In some instances they may continue to give off typhoid bacilli in the feces and urine for many years. Several large epidemics have been traced to such carriers, especially when they were connected in some way with the milk supply or where employed in a kitchen where the fingers came in contact with the food and utensils. It has been estimated that 4 per cent of those who have typhoid fever become carriers of the germs.

In every case of typhoid fever the patient should be instructed concerning the danger he may be to the public and given instructions as to how others may be protected against the infection he is carrying. It is impossible to know whether a person is a carrier without a bacteriological examination of the feces and urine. Therefore, specimens of feces and urine should be collected in clean and sterile bottles from convalescing typhoid patients and sent to the laboratory with a full written history of the patient. These patients should not be released from observation until two successive negative reports have been obtained.

The life of a typhoid bacillus in feces and urine is variable. The organisms sometimes live five days or a week and again die within twelve hours. It is necessary, therefore, to send the specimen to the laboratory as soon as possible after collection.

Whooping cough.—1. Cases must be reported to the local health officer within twenty-four hours after discovery by the attending physician or responsible head of the family, if a physician is not employed.

2. Conspicuous placard on house and isolation of patient for at least six weeks from the time case is reported to the local health officer.

3. Patients with whooping cough are not permitted to leave the premises under any circumstances while the home is placarded without a written permit from the local health officer.

4. Well children in the family, who are free from cough, may go to school. Children from other families can not enter or remain upon the placarded premises.

NOTE.—Whooping cough vaccine.—Whooping cough vaccine is now being prepared by the State Laboratory of Hygiene and will be furnished free to physicians having use for this product. While this vaccine is apparently useful in mitigating attacks of whooping cough after the disease has developed its greatest use is in establishing immunity against the infection. Application for pertussis vaccine and inquiries concerning its use should be addressed to the director, State Laboratory of Hygiene, Madison.

RULE 13. Reportable diseases not requiring quarantine or placarding.—The following are the minimum State regulations relating to the prevention and control of dangerous communicable diseases where neither quarantine nor placarding is required.

General requirements: Cases must be reported to local health officer within twenty-four hours after diagnosis by attending physician or responsible head of family, if physician is not employed.

Erysipelas.—Isolation of patient until death or recovery.

Disinfection or destruction of clothing and dressings coming in contact with erysipelatous areas.

Lethargic encephalitis (sleepy sickness).—Isolation of patient during acute stage.

Concurrent disinfection of all discharges from patient.

Mumps.—1. Cases must be reported to the local health officer within twenty-four hours after discovery by attending physician or responsible head of family, if a physician is not employed.

2. All persons with mumps must be isolated for two weeks after onset of disease and one week after disappearance of swelling. Well children in family may return to school but must be excluded upon the appearance of fever, cold, or glandular swelling.

Ophthalmia neonatorum.—Disinfection: Discharges from infected eyes must be collected on dressings or paper napkins and burned.

Care of the attendant's hands: After changing dressing or caring for patient attendant must carefully disinfect hands.

Pneumonia (acute lobar).—Isolation of patient until death or complete recovery.

Disinfection: Discharges from nose, mouth, and throat shall be disinfected immediately. Articles soiled by such discharges shall be disinfected immediately.

Trachoma.—Exclusion from school. Avoidance of contact with others until infectious stage has passed.

Precautions: Patient must use individual towels, wash basins, and avoid transfer of infection from eyes to objects or persons.

Disposal of discharge from eyes: All discharges from the eyes must be collected on dressings or paper napkins which may be burned.

Tuberculosis (of any organ).—For patient: Careful instruction regarding disposal of sputum; proper hygiene.

Sputum flask: Persons having tuberculosis of the lungs or larynx must provide a sputum flask or proper receptacle in which sputum may be deposited.

Restrictions: Tubercular teachers or pupils can not attend school unless special provision is made, as in an open-air school, for the care of such patients.

Disinfection:

Concurrent: Sputum and other tuberculous discharges. Handkerchiefs, cloths, and eating utensils used by the patient must receive special attention.

Terminal: Disinfection or cleansing.

If regulations are not complied with patient should be quarantined under local regulations.

RULE 14. Burial of infected bodies.—The bodies of persons who have died of cerebrospinal meningitis (epidemic), cholera (Asiatic), diphtheria, infantile paralysis, plague, scarlet fever, smallpox, typhus fever, or yellow fever shall be wrapped in a sheet saturated with a solution of bichloride of mercury (one ounce to a gallon of water) or some other efficacious disinfectant and shall be buried or incinerated within thirty-six hours after death.

RULE 15. Public funerals prohibited in certain diseases.—No public or church funeral shall be held in connection with the burial of a person who has died of cerebrospinal meningitis (epidemic), cholera (Asiatic), diphtheria, infantile paralysis, measles, plague, scarlet fever, smallpox, typhus fever, or yellow fever, nor shall the bodies of persons be taken into any church, chapel, or other public place.

RULE 16. Books not to be taken into infected homes.—Schoolbooks or books from public or circulating libraries shall not be taken into any house where cerebrospinal meningitis (epidemic), cholera (Asiatic), diphtheria, infantile paralysis, measles, plague, scarlet fever, smallpox, tuberculosis, or typhus fever exists, and if schoolbooks or library books have already been taken in such house they shall be destroyed by the owner or library authorities or thoroughly disinfected.

Disinfection of books: In cases where it is desirable to disinfect books which may have become infected with dangerous communicable disease the following requirements must be followed:

Library books which have been in a quarantined home should be withheld from circulation for a period of fifteen days and so arranged each day that the sunlight can reach the maximum number of surfaces.

Books used by a tubercular person should either be destroyed or withheld from circulation for at least one month, and during this time kept standing in the sunlight, opened so that the rays of the sun can reach the maximum number of pages. Surfaces should be changed from day to day. Time and sunlight are recommended as the best means to accomplish the destruction of infectious material deposited upon books.

Formaldehyde fumigation alone is not satisfactory for the disinfection of books

* * * * *

RULE 24. School attendance of the tubercular restricted.—No person suffering from pulmonary tuberculosis, or believe to be suffering from pulmonary tuberculosis, when reported to the health officer as provided for in sections 1416-3 and 1416-4 of the Laws of 1917, shall be permitted to attend or frequent public, parochial, or private schools, except open-air schools especially equipped for such pupils, in this State in the capacity of pupil or teacher until the health officer or one of his deputies of the township, incorporated village, or city where the school is located furnishes a written certificate stating that the individual believed to have pulmonary tuberculosis or suspected of having pulmonary tuberculosis is free from the disease. No person shall interfere with or obstruct the entrance, inspection, or examination of any building or house or the occupants thereof by the health officer, commissioner of health, or his assistants of such town, incorporated village, or city, or any officer of such department when investigating a reported case.

RULE 25. Sale of milk and dairy products from infected home restricted.—The sale or use of milk or dairy products from a place where cerebrospinal meningitis, cholera (Asiatic), diphtheria, infantile paralysis, plague, scarlet fever, smallpox, or typhoid fever is found to exist is strictly forbidden unless the milk is handled, milk utensils washed, and stock cared for and the product transported by persons entirely disassociated from the quarantined family.

Ophthalmia Neonatorum—Preventive Treatment—Reports of Certain Cases. Habit-Forming Drugs—Possession, Sale, and Dispensing. Home Manufacturing—Licensing and Regulation. Mattresses and Upholstered Articles—Manufacture, Labeling, and Sale. Public Buildings—Required to be Kept Clean and Sanitary. Repapering or Recalculining—Old Paper or Calcimine Required to be First Removed and Surfaces Cleaned. Common Drinking Cups—Prohibited in Public Places. Paper Drinking Cups—Required on Certain Railroad Cars. Spitting—Prohibited in Public Places—Posting of Notices—Providing and Cleaning of Spittoons. Dry Sweeping—Prohibited in Certain Places. Slaughterhouses and Rendering Plants—Location and Inspection. Noxious Matter—Discharge or Drainage of, into Highway Prohibited. Nuisances—Definition—Abatement. Information Touching Public Health—Furnishing of, by Certain Persons to State Board of Health. Expenses Incurred Under Certain Statutory Provisions—Payment. (Ch. 448, Act July 14, 1923)

SEC. 36. A new chapter of the statutes is created to be numbered and entitled:

CHAPTER 146. MISCELLANEOUS HEALTH PROVISIONS

SEC. 36a. Sections 1409a-1 to 1409a-4, inclusive, of the statutes are consolidated and renumbered to be section 146.01 and amended to read:

"146.01. *Infant blindness.*—(1) For the prevention of ophthalmia neonatorum, or blindness, in the newborn babe the State board of health shall, annually, cause to be prepared and put up in proper containers a 1 per cent solution of nitrate of silver, with instructions for its use. These shall be distributed free to local health

officers in quantities sufficient to enable them to, and they shall, deliver one to each physician and midwife. The attending physician or midwife shall use the said solution as directed in said instructions.

"(2) In a confinement not attended by a physician or midwife, if one or both eyes of an infant becomes inflamed, swollen, and red, or show an unnatural discharge, at any time within two weeks after birth, the nurse, parents, or other person in charge shall report the facts, in writing, within six hours to the local health officer, who shall immediately give warning of the danger and a copy of said instructions, and shall employ at the expense of the municipality a competent physician to examine and treat the case as directed in said instructions.

"(3) Any person who violates this section shall be fined not more than \$100."

SEC. 37. Section 1419 of the statutes is renumbered to be subsections (1) to (8) of section 146.02 and amended to read:

"146.02 [See sections 14 and 15 of chapter 449, Acts of 1923]. *Poisonous drugs.*—

(1) No person shall sell, furnish, or deliver any cocaine, opium, morphine, heroin, alpha or beta eucaine, chloral hydrate or any salt or combination of the same, or any mixture, preparation, or compound containing any cocaine or more than 2 grains of opium, one-fourth grain of morphine or heroin, one-eighth grain of alpha or beta eucaine, or 10 grains of chloral hydrate in 1 ounce, fluid or avoirdupois, except upon the original prescription of an authorized practitioner of medicine, dentistry or veterinary medicine, for a person or animal under his treatment, which prescription shall contain the signature of the prescriber and the name of the person for whom prescribed, and if a veterinary prescription, the kind of animal. It shall be dated and kept on file by the dispenser, and shall not be again filled except upon order from the prescriber.

"(2) No person shall have on hand more than 2 ounces of cocaine at one time. No practitioner of medicine, dentistry, or veterinary medicine, for the purpose of evading this section, shall furnish to or prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate, or any salt or compound of any of the foregoing substances or any preparations containing any of the foregoing substances or their salts or compounds. No practitioner of dentistry shall prescribe any of the foregoing substances for any person not under his treatment in regular practice, nor shall any practitioner of veterinary medicine prescribe any of the foregoing substances for the use of a human being.

"(3) This section shall not apply to preparations containing opium when sold in good faith for diarrhea, colic, or cholera, each bottle or package being accompanied by specific directions for use, nor to powder of ipecac and opium, nor to liniments, ointments, and other preparations sold in good faith for external application, when plainly labeled 'for external use only,' nor to sales made to physicians, druggists, manufacturers, hospitals or other public institutions which make lawful use of such narcotics."

* * * * *

SEC. 39. Section 1418c of the statutes is renumbered to be section 146.03 and is amended to read:

"146.03. *Home manufacturing.*—(1) Under this section 'manufacturer' shall mean the owner or lessee of any factory or contractor for such owner or lessee; 'manufactured' shall mean manufactured, altered, repaired, or finished; and 'home' shall mean any tenement or dwelling or a shed or other building in the rear thereof.

"(2) No articles shall be manufactured for a manufacturer in a home unless he shall have secured a license from a local health officer, which shall designate the room, apartment, or building, and name the persons to be employed. License shall be granted only upon payment of a fee of \$1 and when the health officer shall have satisfied himself through inspection that the place is clean and fit for the purpose and that none of the persons employed or living therein are afflicted with any communicable disease likely to be transmitted to consumers. The license shall be issued for one year. At least one reinspection shall be made during the year, and the license revoked if reinspection discloses improper conditions. The license shall be kept on file in the principal office of the licensee.

"(3) The State board of health and the industrial commission may jointly adopt and enforce rules and regulations for local health officers hereunder and may prohibit home work upon specified articles when necessary to protect health of consumers or workers. Subsections (3), (4), and (5) of section 140.05 shall apply.

"(4) Every manufacturer giving out articles or materials to be manufactured in any home shall issue therewith a label bearing the name or place of business

of the factory, written or printed legibly in English, and shall keep a register of the names and addresses of the persons to whom given and with whom contracts to do so were made, the quantities given out and completed, and the wages paid. This register may be inspected by the State health officer, a deputy State health officer, the local health officer, or a deputy of the industrial commission.

"(5) Anyone who shall for himself or as manager or agent give out materials to be manufactured in a home, for an unlicensed manufacturer, or who shall employ or contract with anyone to do such work without such license, shall forfeit to the State not less than \$10 nor more than \$100 for each offense."

SEC. 40. Section 1418s of the statutes is renumbered to be section 146.04 and is amended to read:

"146.04. *Mattresses and upholstering.*—(1) Whoever manufactures for sale, offers for sale, sells, delivers, or has in his possession with intent to sell or deliver any mattress which is not properly branded, or labeled; or whoever uses, in whole or in part in the manufacture of mattresses, any material which has been used, or has formed a part of any mattress, pillow, or bedding used in or about public or private hospitals or on or about any person having a communicable disease; or dealing in mattresses, has a mattress in his possession for the purpose of sale, or offers it for sale, without a brand or label as herein provided, or removes, conceals, or defaces the brand or label, shall be fined not less than \$25 nor more than \$500, or imprisoned not to exceed six months, or both. The brand or label herein required shall contain, in plain print, in the English language, a statement of the material used, whether they are, in whole or in part, new or secondhand, and the qualities. Such brand or label shall be a paper or cloth tag securely attached. A mattress within this section is a quilted, stuffed pad, to be used on a bed for sleeping or reclining purposes.

"(2) Any person upholstering or reupholstering any article, or who manufactures for sale, offers for sale, sells, or delivers, or who has in his possession with intent to sell or deliver anything containing upholstering, without a brand or label as herein provided or who removes, conceals, or defaces the brand or label, shall be punished as provided in subsection (1). The brand or label shall contain, in plain print in English, a statement of the kind of materials used in the filling and in the covering, according to the grades of filling and covering used by the trade, whether they are in whole or in part new or secondhand, and the qualities, and whether, if secondhand, they have been thoroughly cleaned and disinfected. Such brand or label shall be a paper or cloth tag securely attached.

"(3) If the industrial commission believes this section is being or has been violated it shall advise the attorney general, giving the grounds of its belief; and the attorney general or, under his direction, the district attorney, shall forthwith institute proceedings for enforcement and punishment."

SEC. 41. The first sentence of subsection 1 of section 1416-4a of the statutes is renumbered and amended to read:

"146.05 *Public places.*—The owner and occupant and everyone in charge of a public building, as defined by section 2394-41, shall keep the same clean and sanitary."

SEC. 42. Section 4608z of the statutes is renumbered to be section 146.06 and is amended to read:

"146.06. *Calcimining and paper hanging.*—Before repapering or recalcimining any part of a wall or ceiling in any hotel or other public place anyone engaged in the business shall remove all old paper or calcimine and thoroughly cleanse the surface. Violation shall be fined not less than \$5 nor more than \$25 for each offence."

SEC. 43. Section 1418t of the statutes is renumbered to be subsection (1) of section 146.07 and is amended to read:

"146.07. *Drinking cups.*—(1) If the owner or manager shall furnish, or permit the use of a common drinking cup in a railroad train or station, State or other public building, street, public park, educational institution, hotel or lodging house, theater, department store, barber shop, or other places where it is inimical to health and the State board of health so finds and orders, he shall be fined not less than \$10 nor more than \$50."

SEC. 44. Section 1416-13m of the statutes is renumbered to be subsections (2) and (3) of section 146.07 and amended to read:

"(146.07) (2) No railroad car in which any passenger is permitted to ride for more than 10 miles of continuous passage in one general direction shall be operated unless there is provided for every passenger therein, at all times during such operation, opportunity to obtain free of charge a paper drinking cup not theretofore used by any person. Any owner or manager or person in charge who

shall fail to comply herewith shall forfeit not less than \$25 nor more than \$100 for every day or part of day of such failure."

SEC. 45. Section 1418m of the statutes is renumbered to be subsections (1) to (3) of section 146.08 and amended to read:

"146.08. *Spitting; cuspidors; flasks.*—(1) Spitting upon the sidewalk or crosswalk of any public place, or upon the floor of any tenement house hall used in common, hotel or lodging house hall or office used in common, factory, any building used by the public, railroad car or street car, or upon the station platform of a common carrier is forbidden.

"(2) The owner or manager of any such building, factory, car, or station platform shall keep posted an adequate number of notices hereof.

"(3) The owner or manager of any such place, or of smoking cars or compartments shall provide adequate cuspidors, and provide for their cleansing and disinfection at least once a day."

SEC. 46. Section 1416-4a except the first sentence, of the statutes is renumbered to be subsections (4), (5), and (6) of section 146.08 and is amended to read:

"(146.08). (4) When ordered by the local health board, the owner, occupant or person in charge of any public or quasi-public building shall furnish and efficiently place cuspidors, and thoroughly cleanse and disinfect them daily, when the building is in ordinary use. An efficient number and type of cuspidors and system of cleansing and disinfecting may be prescribed by the board.

"(5) Violation of the foregoing provisions of this section shall be fined not more than \$100 or imprisoned not more than six months, or both.

"(6) The provisions and penalty of subsection (3) of section 143.06 shall apply to any person with a disease whose infecting agent is in the sputum."

SEC. 47. Section 1418w of the statutes is renumbered to be section 146.09 and is amended to read:

"146.09. *Sweeping.*—If the owner or manager shall sweep, or permit the sweeping, except when vacuum cleaners or properly filled reservoir dustless brushes are used, of floors in a railroad station, passenger car, State or public building, educational institution, hotel, or department store, without the floor being first sprinkled with water, moist sawdust, or other substance so as to prevent the raising of dust, he shall be fined not less than \$10 nor more than \$50."

* * * * *

SEC. 49. Section 1418 of the statutes is renumbered to be subsection (1) of section 146.11 and is amended to read:

"146.11. *Slaughterhouses.*—(1) No person shall erect or maintain any slaughterhouse, or conduct the business of slaughtering, upon the bank of a watercourse; nor, unless under Federal inspection within one-eighth mile of a public highway, dwelling, or business building; or put a carcass or offal into a watercourse nor upon the banks of a watercourse flowing through any city, village, or organized town of 200 or more inhabitants. Violation of this subsection shall be punished by fine of not less than \$10 nor more than \$100, or by imprisonment not exceeding six months. The executive of the municipality shall cause immediate removal of a building or business violating this section, and if he knowingly permit it to be operated, he shall forfeit not less than \$15 nor more than \$50."

SEC. 50. Section 1492ea of the statutes is renumbered to be subsections (2) to (5) of section 146.11 and amended to read:

"(146.11). (2) Slaughterhouses not subject to Federal inspection and supervision shall be inspected and supervised, as to location, construction, and operation, by the State board of health, and said board shall cause each such slaughterhouse to be inspected at least once a year. The local health officer, upon complaint or upon the request of the State board, shall make such inspection of slaughterhouses as may be necessary. Violation of the rules and regulations of the State board shall be promptly reported by the local health officer. The State board may inspect slaughterhouses under Federal inspection, and shall enforce State law as to all slaughterhouses, and make such order as may be necessary to correct insanitary conditions. Each order shall specify the time within which it shall be complied with, and shall be served in person or by registered mail.

"(3) The owner, operator, or person in charge may appeal in writing from the order, and shall be heard by the board at its next regular meeting.

"(4) The location and construction of any building used as a slaughterhouse, not already reported to the State board of health, and not under Federal inspection, shall be reported, by the owner, if a resident of the State, otherwise by the operator, to said board within ten days after first used.

"(5) Anyone who shall prevent or attempt to prevent an authorized official from entering at any time any slaughterhouse or its premises for inspection, or who shall fail to comply with any order or the rules of the State board of health, or who shall violate this section except subsection (1), shall be fined not less than \$10 nor more than \$500, or imprisoned not less than five days nor more than six months."

SEC. 51. Sections 1418-1, 1418-2, and 1418-3 of the statutes are repealed.

SEC. 52. A new section of the statutes is created to be numbered and to read:

"146.12. *Rendering plants.*—Subsections (2), (3), (4), and (5) of section 146.11 shall apply to rendering plants or similar institutions where carcasses or offal of animals or similar material is handled, and in counties of 100,000 population or more subsection (1) of section 146.11 shall apply also."

SEC. 53. Section 1414b of the statutes is renumbered to be section 146.13 and is amended to read:

"146.13. *Draining into highway.*—In a town situated wholly within a county containing a city with 300,000 or more population, if anyone constructs any drain, pipe, sewer, or other outlet so it discharges into a public highway infectious or noxious matter, or permits a water-closet to drain into a public highway, the board of health shall order the person, owner, or occupant maintaining it, to remove it within ten days, and if he fail, he shall forfeit not less than \$5 nor more than \$50, and the board may cause its removal. To remove, the board may destroy it and may enter upon the premises. Anyone maintaining such a nuisance shall be fined not exceeding \$300 or imprisoned not exceeding ninety days, or both."

SEC. 54. Subsection 11 of section 1407a-6 of the statutes is renumbered to be subsection (1) of section 146.14 and amended to read:

"146.14. *Nuisances.*—(1) A 'nuisance,' under this section, is any source of filth or cause of sickness. The State board of health may order the abatement or removal of a nuisance on private premises, and if the owner or occupant fails to comply, the board, or its agent, may enter upon the premises and abate or remove such nuisance."

SEC. 55. Section 1414 of the statutes is renumbered to be subsection (2) of section 146.14 and is amended to read:

"(146.14). (2) If a nuisance be found on private property the local board of health shall order its abatement or removal within twenty-four hours, and if the owner or occupant fails to comply he shall forfeit not less than \$5 nor more than \$50, and the board may abate or remove the nuisance."

SEC. 56. Section 1415 of the statutes is renumbered to be subsection (3) of section 146.14 and amended to read:

"(146.14). (3) If the local board of health be refused entry to any building or vessel to examine into and abate, remove, or prevent a nuisance, any member may complain under oath to a justice of the peace, whether or not such justice be a member of the board, stating the facts in his knowledge and the justice shall issue a warrant commanding the sheriff or any constable of the county to take sufficient aid, and being accompanied by two or more of the board of health, and under their direction, between sunrise and sunset, abate, remove, or prevent the nuisance."

SEC. 57. Subsection (7) of section 1411r of the statutes is renumbered to be subsections (4) and (5) of section 146.14 and is amended to read:

"(4) In cities under general charter the health commissioner or a person under him may enter into and examine any place at any time to ascertain health conditions, and anyone refusing to allow such entrance at reasonable hours shall be fined not less than \$10 nor more than \$100; and if the commissioner deems it necessary to abate or remove a nuisance found on private property, he shall serve notice on the owner or occupant to abate or remove within a reasonable time, not less than twenty-four hours; and if he fails to comply, or if the nuisance is on property whose owner is a nonresident or can not be found, the commissioner shall cause abatement or removal."

"(5) The cost of abatement or removal of a nuisance by health officials under sections 146.14 or 146.15 may be collected from the owner or occupant or person causing, permitting, or maintaining the nuisance, or may be charged against the premises and upon certificate of the health official assessed as are other special taxes."

SEC. 58. The last sentence of section 1409a of the statutes is renumbered to be section 146.15 and amended to read:

"146.15. *Information.*—State officials, physicians of mining, manufacturing, and other companies or associations, officers and agents of a company incorporated by or transacting business under the laws of this State, shall, when re-

quested, furnish, so far as practicable, the State board of health or its secretary any information required touching the public health; and for refusal shall forfeit \$10."

SEC. 58a. Section 1421 of the statutes is renumbered to be section 146.16 and is amended to read:

"146.16. *Expenses.*—Expenses incurred under chapters 142 to 146, inclusive, not made otherwise chargeable, shall be paid by the town, city, or village."

SEC. 59. Section 1416-14 of the statutes is repealed, and subsection 12 of section 1407a-6 and section 1416-13 of the statutes are renumbered to be section 146.17 and amended to read:

"146.17. *Limitations.*—Nothing in the statutes shall be construed to authorize interference with the individual's right to select his own physician or mode of treatment, nor as a limitation upon the municipality to enact measures in aid of health administration, consistent with statute and acts of the State board of health."

**State Tuberculosis Hospitals—Admission, Care, and Maintenance of Patients.
County Tuberculosis Hospitals—Establishment Authorized—Management—
Officers—Admission, Care, and Maintenance of Patients. (Ch. 113, Act May 10, 1923)**

SECTION 1. Subsection (1) of section 50.02, subsection (2) of section 50.03, subsection (3) of section 50.05, section 50.06, subsections (1) and (2) and paragraph (b) of subsection (3) of section 50.07, and section 50.075 of the statutes are amended to read:

"50.02. (1) Any person who has resided in this State not less than one year last previous and is affected with pulmonary tuberculosis in the incipient or slightly advanced stage may be admitted to either of said institutions, but preference shall be given to those suffering from the disease in the incipient form. There may be also be admitted any such person who presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis and who in the opinion of the superintendent is a proper subject for treatment in either of said institutions. Applicants for admission shall be given a preliminary medical examination at various places throughout the State, designated by the board of control, as provided in subsection (2).

"50.03. (2) Any patient unable to pay for his care shall file an application with the county judge of the county within which he has a legal settlement, setting forth the fact that he is unable to pay the maintenance charge. Said judge, upon further presentation of the report of the examining physician and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in subsection (1) of 46.10, except that in such investigation the term 'residence' or its equivalent shall be construed to mean 'legal settlement.'

"50.05. (3) Any such person who is unable to pay for his care may be admitted pursuant to subsections (2), (3), and (4) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged.

"50.06. Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium for the treatment of persons afflicted with tuberculosis. In counties whose population is 250,000 or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19, and 46.20; but the superintendent shall be either a graduate trained nurse or a regular licensed physician, and if a trained nurse is appointed the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint and fix the compensation of a business manager other than the superintendent, and a directory of occupational therapy, the latter of whom may be employed on a part-time basis jointly with other county or State institutions; and the trustees shall receive the same compensation as is allowed to members of the county board.

"50.07. (1) Any person suffering from tuberculosis, who shall have been a resident of the State not less than one year may be received into any such county institution and cared for upon payment of a rate which shall not exceed the actual cost of maintenance therein. There may also be admitted any person who presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis and who in the opinion of the superintendent and visiting physician, if the superintendent is not a physician, is a proper subject for treatment in any such county institution. Every applicant for admission shall fur-

nish a certificate of a regularly licensed physician that he is suffering from tuberculosis or that he presents symptoms of tuberculosis calling for careful observation in order to make a diagnosis.

"(2) Any such person who is unable to pay for his care may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection (2) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged. Such maintenance shall include necessary traveling expenses, including the expenses for an attendant when such person can not travel alone, necessary clothing, toilet articles, emergency surgical and dental work, and all other necessary and reasonable expenses incident to his care in such institution.

"(3) (b) For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution and the State board of control; and the State shall charge over to such other county the difference between such total cost and the amount of State aid so appropriated.

"50.075. Whenever the county chargeable with the support, maintenance, and other expenses of a person unable to pay for his care under sections 50.03, 50.05, or 50.07 can not be determined because his legal residence or settlement is in doubt, the total cost of such support, maintenance, and other expenses shall be a charge against the State."

State Board of Health—Appointment, Meetings, Powers, and Duties—Office Quarters and Printing for. State Health Officer—Appointment and Duties. State Sanitary Inspector—Appointment, Qualifications, Powers, and Duties. Sanitary Districts—Division of State into. Deputy State Health Officers—Appointment, Compensation, Powers, and Duties. State and Local Health Officers—Conferences of. (Ch. 448, Act July 14, 1923)

SECTION 1. Title XV of the statutes is revised to read:

TITLE XV. PUBLIC HEALTH

SECTION 1a. A new chapter is added to the statutes, to be numbered and entitled:

CHAPTER 140. STATE BOARD OF HEALTH

SEC. 2. Sections 1407a-1 and 1407a-2 of the statutes are repealed and sections 1404, 1405, 1406, 1407, 1407a-4, subsections 1 and 3 to 10, inclusive, of section 1407a-6, and section 1409, and the last two sentences of subsection 1 of section 1412m-2, of the statutes, are renumbered, rearranged, and amended to read:

"140.01. *State board of health.*—The State board of health shall consist of seven members, appointed by the governor with the consent of the Senate. One member shall be appointed each year, and their respective terms of office shall begin on the first Monday of February in the year of appointment and shall continue for seven years.

"140.02. *Officers.*—A member of the board shall be chosen president. His term shall be fixed by the board and his duties be prescribed by by-law or statutes. The board shall elect a secretary from their own number or otherwise, who shall hold his office subject to removal at discretion by a vote of five members of the board at a regular meeting, and while in office be a member of the board. The secretary shall be the executive officer of the board and the State health officer. He shall keep a record of the board's transactions and have custody of its books, papers, and other property; he shall, so far as practicable, communicate with other similar State boards and local boards of health within this State, and file and keep all reports and correspondence; he shall prepare and distribute to local boards blank forms and instructions as may be necessary, and collect all such information and statistics as concern the work of the board and perform all other duties which may be prescribed by by-law or statute.

"140.03. *Meetings; quorum; by-laws.*—The board shall meet in January and June in each year and at such other times and at such places as may be directed by the board or its president, except that the January meeting shall be held at Madison. The board may adopt by-laws for its government.

"140.04. *Offices; printing.*—Suitable apartments equipped with fireproof vaults shall be provided in the capitol by the superintendent of public property for the State board of health. The official printing of the board shall be furnished as provided in sections 35.03 and 20.11. The board may supply to local health officers quarantine signs, placards, record books, and other uniform blanks at

actual cost. All money received from such sales shall be deposited in the State treasury and credited to the fund created by subsection (1) of section 20.43.

"140.05. *Powers and duties.*—(1) The State board of health shall have general supervision throughout the State of the health and life of citizens, and shall study especially the vital statistics of the State and endeavor to put the same to profitable use. It shall make sanitary investigations into the causes of diseases, especially epidemics, the causes of mortality, and the effect on health of localities, employments, conditions, habits, and circumstances, and make sanitary inspections and surveys in all parts of the State. It may, upon due notice, enter upon and inspect private property. It shall have power to execute what is reasonable and necessary for the prevention and suppression of disease. It shall voluntarily or when required advise public boards of officers in regard to heating and ventilation of any public building or institution. It may send its secretary or a committee to any part of the State to investigate the cause and circumstances of any special or unusual disease or mortality, or to inspect any public building; and such officers shall have full authority to do any act necessary therefor. The board may establish bureaus and shall possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. It may empower the State health officer to act for the board upon such matters as it may determine in issuing and enforcing orders in compliance with law and rules and regulations adopted by the board. Whenever anyone feels aggrieved by any order of a State health officer he may appeal to the board.

"(2) The board shall disseminate such health information as it deems proper. It shall recommend from time to time works of hygiene for use in the public schools and shall cooperate with the several educational institutions and the school system of this State in disseminating information to the general public in all matters pertaining to health, and shall use the research facilities of the University of Wisconsin for the preservation and improvement of the public health under such rules and regulations as may be agreed upon with the regents of the university, and facilitate the special instruction of students in sanitation, hygiene, and vital statistics in any school or department of the university in manner not inconsistent with and not interfering with the orderly and efficient administration of the public health work.

"(3) The board shall have power to make and enforce such rules, regulations, and orders governing the duties of all health officers and health boards, and as to any subject matter under its supervision, as shall be necessary to efficient administration and to protect health, and violation shall be punished by fine of not less than \$10 nor more than \$100 for each offense, unless penalty be specially provided. The rules and regulations shall bear the seal of the board, be attested by the State health officer, and be published in the official State paper, and distributed in pamphlet or leaf form to all health officers and any citizen asking for the same. They shall not be effective until thirty days after publication. All rules and regulations so adopted and published and all orders issued by the board in conformity with law shall be valid and in force, and *prima facie* reasonable and lawful until they are found otherwise in an action brought for that purpose or until altered or revoked by the board.

"(4) Any member of the board may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and production of papers, books, documents, and testimony. Witness fees and mileage shall be paid by the State and charged to the appropriation for the board, but no witness subpoenaed at the instance of parties other than the board shall be entitled to fees or mileage from the State, unless the board shall certify that his testimony was material.

"(5) The board shall keep a full and complete record of proceedings before it on any investigation, and have all testimony taken by its stenographer.

"(6) The board shall, in October of each even-numbered year, report to the governor its transactions, investigations, and discoveries during the preceding term, with suggestions for legislation."

SEC. 3. Sections 1408m-1 to 1408m-5, inclusive, are rearranged, renumbered, and amended to read:

"140.06. *Sanitary inspection.*—(1) The State board of health may appoint a State sanitary inspector, who shall be a medical practitioner holding a Wisconsin license, and shall possess such other qualifications as the board shall determine.

"(2) It shall be the duty of the sanitary inspector to assist in the work of the board under its direction to the end that the laws and rules adopted by said board for the preservation of the public health may be strictly enforced in the various

parts of the State. The inspector shall have the same right of inspection in regard to all matters affecting the public health as has been, or may be, conferred upon the State or local boards of health. He shall, under the direction of the board, make thorough and complete investigations of nuisances, sources of sickness, infectious or contagious diseases, water supplies, and sewage-disposal systems, the sanitary condition of public buildings, jails, schoolhouses, school grounds, hotels, and such other work as is found necessary to improve the general sanitary and hygienic conditions. He shall make special investigations concerning the prevalence of tuberculosis in any locality, and assist the board in enforcing laws and rules adopted by the board relating to tuberculosis.

"(3) The inspector shall immediately after completion report in writing to the secretary of the board a complete account of the essential facts disclosed by an investigation, together with recommendations made and work done."

SEC. 4. Section 1407a-3 of the statutes is renumbered and amended to read: "140.07. *Districts; deputy State health officers.*—(1) The State board of health shall from time to time divide the State into five sanitary districts, and it shall appoint for each a deputy State health officer, who shall hold office during efficiency and good behavior and who may be removed for cause by the board after opportunity to be heard. He shall not during his term of office engage in any occupation which would conflict with his official duties, and shall receive an annual salary to be fixed by the board, not exceeding \$3,000, and shall receive his actual and necessary official expenses.

"(2) The deputy State health officer shall have jurisdiction throughout his district; and he shall have in pursuit of his official duties right of entry into any workshop, factory, dairy, creamery, slaughterhouse, or other place of business or employment. He shall carry out the instructions of the State board of health and make such investigations and reports as the board may require. He shall, when required by the board with the help of local health officers, inspect and report upon the sanitary conditions of streams and sources of public water supplies, schools and schoolhouses, dairies, creameries, slaughterhouses, workshops and factories, and of all places where offensive industries are conducted.

"(3) The deputy State health officer shall make careful inquiry, when required by the State board of health, into the effects of the different kinds of employment upon the health of employees and operators with special reference to tuberculosis and to lead and phosphorous poisoning and other industrial diseases, and in all such investigations and inquiries he shall have the power to administer oaths. He shall enforce any public health statute, or rule or regulation of the State board of health or of any local board of health or health officer when such local board of health or health officer neglects or refuses to enforce such statute, rule, or regulation, after due notice by him or by the State board.

"(4) The deputy State health officer, under the direction of the State board and subject to laws, rules, and regulations relating to public health, shall:

"(a) Keep himself informed as to the work of each local health officer.

"(b) Aid each local health officer in the performance of his duties, and particularly on the appearance of communicable disease, and he shall respond promptly when called upon for advice or assistance by any board of health or health officer.

"(c) Assist each local health officer in making an annual sanitary survey and in maintaining a continuous sanitary supervision.

"(d) Adjust questions of jurisdiction arising between local health officers.

"(e) Study the causes of excessive mortality from any disease in any portion of his district.

"(f) Promote efficient registration of marriages, births, deaths, and accidents.

"(g) Inspect from time to time all labor camps and enforce the regulations of the State board of health in relation thereto.

"(h) Endeavor to enlist the cooperation of all organizations of physicians within his district in the improvement of the public health therein."

SEC. 5. Section 1416-19 of the statutes is renumbered and revised to read:

"140.08. *Local and State conferences.*—(1) The State health officer, directly or through deputy State health officers, and may call a biennial State conference of health officers, and may call local conferences.

"(2) Deputy State health officers and local health officers shall attend such conferences, but local officers need not attend more than one State and one local conference a year.

"(3) The expense of attendance of local health officers shall be paid by the municipality, upon certificate of the State or deputy State health officer, but only for one State and one local conference a year."

Local Boards of Health—Organization, Powers, and Duties—Information Regarding Personnel of, to be Given State Board of Health. Local Health Officers—Appointment, Qualifications, Powers, and Duties. Housing Code—Boards of Health of Third-Class Cities Authorized to Establish. Local Public Health Nurses—Employment and Duties. County Dental Clinics—Establishment and Maintenance Authorized—Reports by. (Ch. 448, Act July 14, 1923)

SEC. 5a. A new chapter is added to the statutes to be numbered and entitled :

CHAPTER 141. LOCAL HEALTH OFFICIALS

SEC. 6. Section 1407a-5, the first sentence of section 1409a, section 1411, the first sentence of subsection 1 of section 1412m-2, and sections 1413 and 1416a of the statutes are rearranged, renumbered, and amended to read :

"141.01. *Local boards of health.*—(1) The board or council of every town, village, and city, except cities of the first class, shall, within thirty days after each annual election, organize as a board of health or appoint wholly or partially from its own members a suitable number of competent persons as a board of health for such town, village, or city.

"(2) In case the board or council fails so to act the State board of health may appoint persons to serve until a board of health has been regularly appointed, and the necessary expense so incurred shall be charged to and paid out of the municipal treasury.

"(3) Whenever any such health official shall fail to perform the duties of his office and assist the State board of health, the board or council, either upon its own initiative or upon recommendation of the State board of health, shall discharge such official and immediately select a new official.

"(4) The board shall elect a chairman, a clerk, and a health officer, who shall be ex officio a member of such board and its executive officer. The health officer shall hold office for two years. If a vacancy occurs the board of health shall immediately fill the same. Such local board shall immediately report to the secretary of the State board of health the names, post-office addresses, and occupations of the officers thereof, and any change therein.

"(5) The board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published in some newspaper, if there be one published in the town, village, or city; if there be none, they shall be posted in five public places therein.

"(6) The board may appoint persons to aid them, regulate their charges, and fix the salary of the health officer.

"(7) The health officer under the direction of the deputy State health officer shall—

"(a) Make an annual sanitary survey and maintain a continuous sanitary supervision over his territory.

"(b) Make a sanitary inspection periodically of all school buildings and places of public assemblage and report thereon to those responsible for the maintenance thereof.

"(c) Promote the spread of information as to the causes, nature, and prevention of prevalent diseases and the preservation and improvement of health.

"(d) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.

"(e) Enforce the health law and the rules and regulations of the State board of health.

"(f) Keep and deliver to his successor a record of all his official acts.

"(8) All record books, quarantine cards, and other material needed by the board, except such as is furnished by the State board of health, shall be supplied by the health officer at municipal expense, upon order of the board.

"(9) The health officer and the clerk shall each, at least once a year, report to the State board their transactions and such facts as shall be required, upon blanks and according to instructions furnished, and shall also make special reports when required.

"(10) The board of health of any city of the third class may establish a housing code, and violation thereof shall be punished by fine not exceeding \$300 or imprisonment not exceeding six months, or both."

SEC. 7. Section 1411r of the statutes, except subsections (7) and (8), is rearranged, renumbered, and amended to read :

"141.02. *City health commissioner.*—(1) In cities under general charter the mayor shall, once in two years, unless otherwise provided by ordinance, nominate a regular licensed physician as health commissioner, who shall hold his office for two years. In all cities having a population of 25,000 or more he shall not engage in the private practice of medicine or in any other conflicting occupation. He shall receive an annual salary to be fixed by the council or the board of health, if so provided by ordinance, and shall receive his actual and necessary expenses.

"(2) The commissioner shall have the powers and duties provided for boards of health and local health officers and he shall provide such additional rules and regulations as shall be necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health, and to enforce the health laws. All proposed rules and regulations shall be by him reported to the council, and if the council shall approve the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation. He shall from time to time recommend to the council such sanitary measures to be executed by the city as shall seem to him necessary, and shall discharge such other duties as may be imposed upon him by the council by ordinance or resolution.

"(3) The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the commissioner in the discharge of his duties, and on his requisition the chief of police shall serve or detail one or more policemen to serve the notices issued by the commissioner and to perform such other duties as he may require.

"(4) The commissioner may appoint assistants, subject to confirmation by the mayor, and they shall receive such compensation as the council may fix.

"(5) (a) The commissioner of health of any city of the first class, however incorporated, shall be one who holds the degree of doctor of public health or is a graduate of a recognized medical college and has had not less than one year of practical experience in public hygiene and sanitation.

"(b) He shall appoint a deputy commissioner of health, who shall have the same qualifications. Such appointment shall not be subject to the civil-service law applicable to the city.

"(c) The deputy shall file the official oath and bond in such amount and with such sureties as the council may direct.

"(d) The deputy may do all the acts required to be done by the commissioner, and he shall in case of vacancy or of the sickness or absence of the commissioner act in his place and be subject to the same liabilities and penalties."

SEC. 7a. If this act would abolish any office of which there is an incumbent at the time of the passage and publication hereof, holding for a specified term, this act shall not take effect as to such office until the expiration of such term.

SEC. 8. Section 1411m of the statutes is renumbered and amended to read:

"141.03. *Commission cities.*—(1) The council of any city organized under chapter 63 of the statutes may by ordinance create a board of health of not less than three nor more members than the number of councilmen or aldermen, provide for the manner of their election or appointment and fix the terms of office. Such ordinance may confer on such board power to appoint a health officer for such city and to fix his term of office and compensation, subject to the approval of the council.

"(2) Such board of health shall elect a president and secretary. The secretary shall keep full minutes of the proceedings. No member shall receive compensation unless so provided by the council.

"(3) The council may by ordinance confer appropriate powers on such board, and may permit such board to delegate any of its powers to the health officer. Such board of health and any health officer appointed by it shall have all the powers and duties provided for boards of health and local health officers and commissioners.

"(4) All rules and regulations prepared by such board shall be reported to the council and if the same shall be approved by a majority of the members such rules and regulations shall have the force of ordinances, including penalty for violation."

SEC. 9. Section 1411a of the statutes is renumbered and amended to read:

"141.04. *Joint health officers.*—Towns, villages, and cities occupying contiguous territory may employ a full-time health officer or commissioner jointly. His

salary, including necessary traveling expenses, shall be paid jointly as agreed upon or in proportion to population. He shall engage in no conflicting occupation."

SEC. 10. Section 1416-13a of the statutes is repealed and section 1411g of the statutes is renumbered and amended to read:

"141.05. *Local health nurses.*—(1) The local board of health or health officer may employ public health nurses within the limits of the appropriation made therefor by the municipality. They shall work under the direction of the health officer and may be assigned to the investigation of infant mortality, the examination or visitation of children excluded from school, the investigation or visitation of cases of tuberculosis, the visitation of the sick who may be unable otherwise to secure adequate care, the instruction of members of households where sickness exists, or other duties calculated to improve the public health.

"(2) Towns, villages, and cities may employ public health nurses jointly, salary and other expenses to be paid jointly as agreed upon or in proportion to population."

SEC. 11. Subsections (2), (4), and (5) of section 1411n of the statutes are repealed, and subsections (1) and (3) of said section are renumbered and amended to read:

"141.06. *County nurses.*—(1) The county board shall employ one or more county nurses, whose duties shall be as follows: To act as health supervisor for schools not already having school inspection by a physician or nurse; to assist the superintendent of the poor; to instruct tuberculosis patients and others in preventing the spread of tuberculosis; to assist in reporting cases of tuberculosis and other communicable diseases; to assist in investigating cases of delinquency, neglect, and dependency of juveniles, including State aid to dependent children, in counties not employing a probation officer; to assist in investigating cases of nonschool attendance in districts not employing a school attendance officer; to assist in investigating cases of infringement on child-labor laws; to investigate cases of crippled children; to act as health instructor throughout the county; and to perform such other duties as may be assigned.

"(2) The work of the county nurse shall be directed by a county health committee composed of the chairman of the county board, the county superintendent of schools, a woman appointed by the county board, the judge of the juvenile court, and the deputy State health officer for that county."

SEC. 12. Section 1411h of the statutes is renumbered and amended to read:

"141.07. *Dental clinics.*—Any county may establish and maintain a dental clinic or clinics to be operated under rules adopted by the county health committee named under section 141.06. Monthly reports shall be made by the director of said clinic or clinics pursuant to subsection (3) of section 149.09 on blanks prescribed by the State board of health."

Buttermilk, Whey, and Skimmed Milk—Pasteurization of, Required before Distribution by Cheese Factories, Butter Factories, Receiving Stations, etc. (Ch. 418, Act July 13, 1923)

SECTION. 1. Subsection (1) of section 94.09 of the statutes is repealed.

SEC. 2. A new subsection is added to section 94.09 of the statutes to be numbered and to read:

"94.09. (1) Every operator of a cheese factory, butter factory, or receiving station and every owner or manager of any other place or plant where milk or cream is received and skim milk, whey, or buttermilk therein produced is distributed as food for man or domestic animals, shall, before said distribution, pasteurize said buttermilk, whey, or skim milk at a temperature of at least 145° F. and hold at the above temperature for at least twenty-five minutes, or when not held at the above temperature for at least twenty-five minutes shall be heated to a temperature of at least 185° F., or otherwise pasteurized as prescribed by rule or regulations of the State livestock sanitary board. The provisions of this subsection shall not apply to any cheese factory or butter factory or any of the aforesaid places or establishments that pasteurize in the manner hereinbefore described the milk or cream prior to manufacture. The dairy and food commissioner shall enforce the provisions of this subsection."

SEC. 3. This act shall take effect on January 1, 1924.

Substitutes for Butter—Use of Certain Words, Representations, or Symbols in Connection with the Sale or Advertisement of, Prohibited. (Ch. 147, Act May 18, 1923)

SECTION 1. A new section is added to the statutes to read:

"SEC. 4607d-4. 1. No person, firm, or corporation shall use in any way in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word 'butter,' 'creamery, or 'dairy' except as required by sections 4607c, 4607d-1, 4607d-3, or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

"2. It shall be the duty of the dairy and food commissioner of Wisconsin to enforce the provisions of this section when upon complaint or otherwise such dairy and food commissioner has reason to believe that the same has been violated.

"3. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$1,000."

Food Handlers—Required to be Free from Communicable Disease—Physical Examination of, May be Required. (Ch. 112, Act May 10, 1923)

SECTION 1. A new section is added to the statutes to read:

"SEC. 1417m. 15 [see section 24 of chapter 449, Acts of 1923]. It shall be unlawful for any person, firm, or corporation operating any hotel, café, restaurant, dining car or other public eating place or operating any bakery, meat market, dairy, or other establishment where food products to be consumed by others are handled, knowingly to employ or keep in their employ any person handling food products who has a communicable disease or any venereal disease in a communicable form. Whenever required by the local health officer or any officer of the State board of health any person employed in the handling of foods who is suspected of having a venereal disease in the communicable form shall submit to an examination by such officer or by some physician designated by such officer. The expense of such examination, if any, shall be paid by the person examined, if found to have such disease. Any person knowingly affected with a communicable disease or any venereal disease in a communicable form who handles food products to be consumed by others and any persons knowingly employing or permitting such person to handle food products to be consumed by others shall be punished as provided by subsection 11 of section 1417m of the statutes."

Soft Drinks—Inspection and Registration of, when Manufactured in Certain Other States Required before Sale. (Ch. 331, Act July 3, 1923)

SECTION 1. A new subsection is added to section 1410b-11 of the statutes to read:

"SEC. 1410b-11. (1a) No soft drink or other nonalcoholic beverage, except apple cider, not manufactured in this State shall be sold or offered for sale within this State unless the same is first inspected and registered with the dairy and food commissioner. Such inspection of one sample of each such soft drink or nonalcoholic beverage and registration shall be made annually and an inspection fee of \$25 for each such soft drink or other nonalcoholic beverage having a distinguishing flavor or name shall be paid by the manufacturer to the dairy and food commissioner for each inspection. The provisions of this subsection shall not apply to soft drinks or other nonalcoholic beverages manufactured in States where no inspection or license for their sale is required."

Meat—Definitions. (Ch. 200, Act May 31, 1923)

SECTION 1. Subsection 1 of section 4601-4a of the statutes is amended to read:

"4601-4a. (1) Meat, flesh, is any clean, sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter, and if it bears a name descriptive of its kind, composition, or origin, it corresponds thereto. The term 'animals,' as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks, and all other animals used as food.

"Fresh meat is meat from animals recently slaughtered and properly cooled until delivered to the consumer.

"Salted, pickled, and smoked meats are unmixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in suitable containers."

Hotels and Restaurants—Definitions of Terms—Permits—Sanitary Maintenance—Powers and Duties of State Board of Health. (Ch. 448, Act July 14, 1923)

SECTION 129a. A new chapter is added to the statutes to be numbered and entitled:

CHAPTER 160. HOTELS AND RESTAURANTS

SEC. 130. Section 1408m-10 of the statutes is renumbered to be sections 160.01 to 160.10 and amended to read:

"160.01. *Definitions.*—As used in this section:

"(1) 'Hotel' means all places wherein sleeping accommodations are offered for pay to transients in five or more rooms, and all places used in connection.

"(2) 'Restaurant' means all places wherein meals or lunches are served transients without sleeping accommodations and all places used in connection.

"(3) 'Public health and safety' means the highest degree of protection against infection, contagion, and disease that a hotel or restaurant will reasonably permit.

"160.02. *Permit.*—Everyone conducting a hotel or restaurant shall procure annual permit from the State board of health for each place, except that one permit is sufficient for a combined hotel and restaurant where both are conducted in the same building and under the same management. The permit shall expire on December 31, and shall not be transferable. No hotel or restaurant shall be conducted, advertised, or held out to the public as such without permit.

"160.03. *Fee.*—The annual fee for permit shall be \$2, and for a hotel containing more than thirty sleeping rooms used for transients \$3. The fee shall accompany the application.

"160.04. *Application.*—The board shall upon request furnish application blank which the applicant shall file, giving the full name and address of the owner and lessee of the building, the lessee and manager of the hotel or restaurant, the location and a full description of the building and property, and such other information as the board requires.

"160.05. *Rule of health and safety.*—Everyone owning, managing, controlling, or maintaining any hotel or restaurant shall conduct and maintain the same with a strict regard to the public health and safety and in conformity with this chapter and the rules, regulations, and orders of the State board of health.

"160.06. *Power of board.*—The State board of health shall appoint assistants with such qualifications as the board deems necessary and fix their compensation, administer and enforce the laws relating to the public health and safety in hotels and restaurants, ascertain and prescribe what alterations, improvements, or other means or methods are necessary to protect the public health and safety in hotels and restaurants, ascertain and fix standards, and enforce orders for the adoption of such improvements and other means or methods to be as nearly uniform as practicable.

"160.07. *Appeal.*—Anyone in interest being dissatisfied with an order of the board, may commence an action in the circuit court for Dane County against the board as defendant to vacate or modify the order on the ground that it is unlawful or unreasonable. Sections 2394-68 and 2394-69 shall govern so far as applicable.

"160.08. *Penalty.*—Anyone violating this chapter or rule or regulation of the State board of health hereunder shall be fined not less than \$25 nor more than \$200; and anyone failing to comply with an order of the State board of health hereunder shall forfeit \$5 for each day of noncompliance after the order is served upon or directed to him, and in case of action under section 160.07, after lapse of a reasonable time after final determination.

"160.09. *Authority of industrial commission.*—Nothing in this chapter shall affect the authority of the industrial commission relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

"160.10. *Joint employment.*—The State board of health and the industrial commission may employ experts, inspectors, or other assistants jointly."

SEC. 131. This act shall take effect January 1, 1924.

Water Supplies, Ice Supplies, and Sewage and Refuse Disposal—Definitions of Terms—Powers and Duties of State Board of Health Relating to. Water Systems, Sewerage Systems, Sewage-Disposal Plants, and Refuse-Disposal Plants—Approval of Plans for the Construction or Alteration of. Land Through Which Sewage Drains are Constructed—Determination of Damages to. Water Systems and Sewerage Systems—Connections with. Sewerage Systems, Sewage-Disposal Plants, and Refuse-Disposal Plants—Use of, Jointly by Municipalities. (Ch. 448, Act July 14, 1923)

SEC. 18a. A new chapter is added to the statutes to be numbered and entitled:

CHAPTER 144. WATER, ICE, SEWAGE, AND REFUSE

SEC. 19. Subsections (1), (2), (3), (5), (6), and (8) of section 1407m-1 and section 1407m, of the statutes, are renumbered and amended to read.

"144.01. *Definitions.*—The following terms as used in this section mean:

"'Waters of the state' includes those portions of Lake Michigan and Lake Superior bordering upon Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, and bodies of surface or ground water, natural or artificial within the State or its jurisdiction.

"'Sewage,' the water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in section 2394-41 of the statutes, with such surface or ground water as may be present.

"'Waterworks,' or 'water system,' all structures, conduits, and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served, and service pipes from building to street main.

"'Water supply,' the sources and their surroundings from which water is supplied for drinking or domestic purposes.

"'Sewerage system,' all structures, conduits, and pipe lines by which sewage is collected and disposed of, except plumbing inside and in connection with buildings served, and service pipes from building to street main.

"'System or plant' includes water and sewerage systems and sewage and refuse-disposal plants.

"'Refuse' all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

"'Owner,' the State, county, township, city, village, corporation, firm, company, institution, or individual owning or operating any water supply, sewerage or water system or sewage and refuse disposal plant.

"144.02. *Sanitary survey.*—(1) The State board of health is authorized to act with the United States Geological Survey in determining the sanitary and other conditions and nature of the natural water supplies of the State of Wisconsin, such water survey to have for its objects:

"(a) To determine the nature and condition of the unpolluted natural water supplies of the State.

"(b) To determine to what extent the natural waters are being contaminated by sewage from cities.

"(c) To determine to what extent the natural waters are being polluted by industrial wastes, and in what way these wastes might be utilized for beneficial purposes.

"(d) To investigate water-borne diseases.

"(e) To assist in determining the best source of water supplies.

"(2) The State board of health is hereby empowered and instructed to make the necessary rules and regulations, in conjunction with the United States Geological Department, to carry this section into effect.

"144.03. *Power of State board of health.*—(1) The State board of health shall have general supervision and control over the waters of the State, drainage water supply, water systems, sewage and refuse disposal, and the sanitary conditions of streets, alleys, outhouses, and cesspools, in so far as their sanitary and physical condition affects health or comfort.

"(2) It shall investigate all water or ice supply [sic] and all systems or plants and keep complete records of such investigations.

"(3) If the board finds that a system or plant is tending to create a nuisance or menace to health or comfort, it shall order the owner or the person in charge to secure such operating results as the board shall prescribe, within a specified time. If the order is not complied with, the board may order designated changes in operation, and, if necessary, alterations or extensions to the system or plant, or a new system or plant.

"(4) If the board find that the water supply for any public or private ice supply is, or is likely to become, dangerous to health or comfort it shall order said water supply for ice closed, or that such devices be installed or measures instituted as will remedy the condition.

"(5) It may conduct investigations and experiments in the purification of water and the treatment of sewage or refuse, hold public meetings, and attend or be represented at such meetings inside or outside the State. The board upon request, and without charge for service or expense, shall consult with and advise owners having installed or about to install systems or plants, as to the most appropriate water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. The board shall not be required to prepare plans."

Sec. 20. Section 1407-1 of the statutes is repealed, and subsections (4), (7), and (10) of section 1407m-1 of the statutes are renumbered and amended to read:

"144.04. *Approval of plans.*—Every owner, within the time prescribed by the board, shall file with the board a certified copy of complete plans of a proposed system or plant or extension thereof, in scope and detail satisfactory to the board, and, if required, of existing systems or plants, and such other information concerning maintenance, operation, and other details as the board requires. Material changes with a statement of the reasons shall likewise be submitted. Before plans are drawn a statement concerning the improvement may be made to the board and the board shall, if requested, outline generally what it will require. The board shall examine plans and conditions without delay, and as soon as possible approve or disapprove or state what it will require. Approval may be subject to modification by the board upon due notice. Construction or material change shall be according to approved plans only."

Sec. 21. Sections 1407-2 and 1418a-1 of the statutes are renumbered and amended to read:

"144.05. *Sewage drains.*—(1) When any city or village shall construct a sewerage system complying with section 144.04 the outflow from such system may be discharged into any drain constructed pursuant to law.

"(2) The city or village or the owner of land through which the drain is constructed may apply to the circuit court of the county in which the land is located to determine the damages, if any. No injunction against the use shall be granted until the damages are finally determined and payment refused. Unless within six months after the system is completed the owner of the land shall institute such proceeding he shall be barred. The proceedings shall be according to chapter 32 of the statutes, so far as applicable.

"144.06. *House connections.*—Any city or incorporated village having systems of waterworks and sewerage may by ordinance require buildings used for human habitation and located adjacent to a sewer and water main, or in a block through which the systems extend, to be connected therewith in manner prescribed by the board of health, or by the board of public works where such board exists. If any person fails to comply for more than ten days after notice in writing the municipality may cause connections to be made, and the expense thereof shall be assessed as a special tax against the property, except in cities of the first class, the owner may, within thirty days after the completion of the work, file a written option with the city or village clerk stating that he can not pay such amount in one sum and asking that it be levied in not to exceed five equal annual installments, and the amount shall be so collected with interest at the rate of 6 per cent per annum from the completion of the work. The unpaid balance to be a special tax lien."

Sec. 22. Subsections (14), (15), and (16) of section 1407m-1 of the statutes are renumbered and amended to read:

"144.07. *Joint sewerage systems.*—(1) The State board of health may require the sewerage system, or sewage or refuse disposal plant of any town, village, or city, to be so planned and constructed that it may be connected with that of any other town, village, or city, and may, after hearing, upon due notice to the municipalities order the proper connections to be made.

"(2) When one municipality renders service to another under this section, reasonable compensation shall be paid. The officials in charge of the system of the municipality furnishing the service shall determine the reasonable compensation and report to the city clerk who shall, on or before the 1st day of August of each year, certify it to the clerk of the municipality receiving the service. This clerk shall extend the amount on the tax roll, and when collected it shall

be paid to the treasurer of the other municipality; if, due to delay in determination, such sum can not be extended on the tax roll of any particular year, it shall be extended as soon as possible.

"(3) If the governing body of any municipality deem the charge unreasonable, it may by resolution within twenty days after the filing of the report with its clerk,

"(a) Submit to arbitration by three reputable and experienced engineers, one chosen by each municipality, and the third by the other two. If the engineers are unable to agree, the vote of two shall be the decision. They may affirm or modify the report, and shall submit their decision in writing to each municipality within thirty days of their appointment unless the time be extended by agreement of the municipalities. The decision shall be binding. Election to so arbitrate shall be a waiver of right to proceed by action. Two-thirds of the expense of arbitration shall be paid by the municipality requesting it, and the balance by the other.

"(b) Commence an action in the circuit court of the county of the municipality furnishing the service to determine the compensation. The complaint shall be served with the summons, the action shall have precedence over any different civil cause except actions wherein the State or a department of State government is a party, and the court shall always be deemed open for trial thereof, and the same shall be tried and determined as other civil actions. Either party within thirty days after service of a copy of the judgment may appeal to the supreme court as in other actions. If judgment is that reasonable compensation is a sum equal to or greater than the sum certified the costs shall be paid by the plaintiff, otherwise by the defendant."

SEC. 23. Subsection (11) of section 1407m-1 of the statutes is renumbered and amended to read:

"144.08. *State health officer.*—Except in the adoption of rules and regulations, the State health officer may act for the State board of health under this chapter."

SEC. 24. Subsection (9) of section 1407m-1 and section 1407m-6 of the statutes are renumbered and amended to read:

"144.09. *Enforcement.*—Records required by the board shall be kept by the owners, and the board supplied with certified copies and such other information as it may require. Agents of the board may enter buildings, structures, and premises of owners supplying the public or industrial plants with water, ice, sewerage systems, sewage or refuse disposal service and private properties to collect samples, records, and information, and to ascertain if the rules and regulations and orders of the board are complied with. The attorney general shall assist in the enforcement of this chapter."

SEC. 25. Sections 1407m-2 and 1407m-3 of the statutes are renumbered, consolidated, and revised to read:

"144.10. *Appeal from board.*—An owner may elect to arbitrate or may bring action against the board in the circuit court for Dane County to determine the necessity for and reasonableness of any order of the board. The provisions of subsection (3) of section 144.07 shall apply, including affirmation or modification, but excepting the twenty-day limitation. Taxable costs shall be in the discretion of the court."

SEC. 26. Section 1407m-4 of the statutes is renumbered and amended to read:

"144.11. *Penalty.*—If an owner fail to comply with an order within the time specified or in case of appeal, within twenty days after final judgment, or to in good faith begin to obey, such owner is declared to be creating a public nuisance enjoined under section 3180a, and shall forfeit to the State not less than \$10 nor more than \$5,000 for each day such failure continues, to be recovered by the State in civil action brought by the attorney general, and paid into the general fund."

SEC. 27. Subsection (12) of section 1407m-1 of the statutes is amended to read:

"144.12. *Limitation.*—Nothing in this chapter shall be construed to affect the provisions of sections 1797m-1 to 1797m-109 or of chapter 31 of the statutes."

Habit-Forming Drugs—Possession, Sale, and Dispensing—Places where Unlawfully Used or Kept Deemed Common Nuisances—Seizure and Destruction of Opium Pipes, etc. Hypodermic Instruments—Possession and Sale. Drug Addicts—Commitment and Treatment. (Ch. 392, Act July 11, 1923)

SECTION 1. Subsections 11 and 12 of section 1419 of the statutes are repealed.
[Section 2 of this act amends section 1421 of the statutes to read as follows:]

"SEC. 1421. All expenses incurred under this chapter, except such as are herein otherwise chargeable, shall be paid by the town, city, or village in which the same are incurred; and it shall be the duty of the police and sheriffs throughout the State and members of the State board of pharmacy to enforce the provisions of sections 1419 and 1420; and it shall be the duty of the district attorney in each county to prosecute violations thereof on complaint or on knowledge of such violations."

SEC. 3. Subsections 1a, 2, 3, and 4 of section 1419 of the statutes are renumbered to be subsections 2, 21, 22, and 23 of said section 1419, and subsections 5 to 10, inclusive, of section 1419 are renumbered to be subsections 1 to 6, inclusive, of a new section to be numbered section 1419a of the statutes.

SEC. 4. Eighteen new subsections are added to section 1419 of the statutes to read:

"(SEC. 1419.) 3. [See section 25 of chapter 449, Acts of 1923.] Each druggist or pharmacist who fills a prescription for a narcotic drug shall securely attach to the container thereof a label, giving the name and address of the store where the prescription is filled, the date of filling, the name of the person for whom prescribed, the name of the physician, dentist, or veterinarian who issued it; and the narcotic drug so delivered shall always be kept in its container until used. No prescription shall be refilled, nor shall a copy of the same be made, except for the purpose of record by the druggist filling the same, such record to be opened at all times to inspection by officers of the department of public health, the board of registration in pharmacy, the board of registration in medicine, authorized agents of said departments and boards, and by the police authorities and police officers of towns, villages, or cities.

"4. No practitioner of veterinary medicine shall prescribe any narcotic drug for the use of a human being nor shall any physician or dentist prescribe, dispense, administer, sell, give, or deliver any narcotic drug to any person, except when the drug is obviously and in good faith then and there needed for the treatment and cure of a disease or ailment and not needed for any condition or disease directly due to any drug habit or resulting solely from the failure of an habitual user of narcotic drugs to procure the particular narcotic drug to the use of which he is addicted.

"5. A physician may personally administer any narcotic drug at such time and under such circumstances as he in good faith and in the legitimate practice of medicine believes to be necessary for the alleviation of pain and suffering or for the treatment or alleviation of disease; such physician shall keep a record of all such drugs dispensed or distributed showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed except such as may be dispensed or distributed to patient upon whom such physician shall personally attend, and such record shall be kept for a period of two years subject to inspection as provided in this section.

"6. A physician acting in accordance with proper medical practice may prescribe or dispense narcotics for the relief of acute pain, or for any acute condition, such as influenza, renal calculi, broken limbs, and such incurable diseases, such as cancer, advanced tuberculosis, and other diseases well recognized as coming within this class and the physician may prescribe no quantity greater than that ordinarily recognized by members of his profession to be sufficient for the proper treatment of the given case. It shall be a violation of this section for any physician to prescribe narcotic drugs to a patient suffering from narcotic drug addictions except only in such cases where the drug addict is being treated by such physician for the cure of narcotic drug addiction.

"7. Whoever, for the purpose of evading or assisting in the evasion of any provision of this section, falsely represents that he is a physician, dentist, or veterinarian, or that he is a manufacturer of or jobber in drugs, or wholesale druggist, or pharmacist, actively engaged in business as such, or that he is a superintendent or official in immediate charge of an incorporated hospital, college, or scientific institution, or a person registered under the act of Congress approved December 17, 1914, or whoever not being an authorized physician, dentist, or veterinarian makes or alters a prescription or written order for any narcotic drug, or knowingly issues or utters a prescription or written order falsely made or altered, or whoever utters any other matter, either in writing or orally, to any physician, dentist, pharmacist, or veterinarian for the purpose of securing a prescription or the delivery of a narcotic drug shall be punished as provided in section 1419b.

"8. The possession by any person of a United States certificate issued under and by virtue of the act of Congress approved December 17, 1914, shall be

prima facie evidence of an intent to sell, furnish, give, or deliver a narcotic drug.

"9. Whoever not being a manufacturer or jobber of drugs, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, nurse, acting under direction of a physician, or employee of an incorporated hospital, acting under the direction of its superintendent, or official in immediate charge, or a common carrier or messenger, when transporting any narcotic drug between persons mentioned in this subsection, in the same package in which the drug was delivered to him for transportation, is found in possession thereof, except by reason of a physician's prescription, lawfully and properly issued, shall be guilty of a violation of this section.

"10. Common carriers engaged in transporting narcotic drugs to any employee acting within the scope of his employment or any person who is lawfully in possession for the purpose of delivery of any such drug, or to the person who delivers any such drug, which has been prescribed or dispensed by a physician, dentist, or veterinarian registered under the laws of the State where he resides, who has been employed to prescribe for the particular patient receiving such drug or to a nurse under the supervision of a physician or to a person, who as an officer or duly appointed agent of any incorporated society for the suppression of vice, has the same in his possession for the purpose of assisting in the prosecution of violations of this section shall not be considered to have violated the provisions of this section.

"11. No manufacturer or jobber in drugs, wholesale druggist, or registered pharmacist shall be liable to prosecution if he fills any prescription or written order for a narcotic drug in good faith, unless he knows or has reasonable cause to suspect that the prescription or order was in violation of this section.

"12. No physician, dentist, or veterinarian and no druggist or pharmacist, either wholesale or retail, shall solicit by public advertisement or otherwise the application to him for prescription for or sales of narcotic drugs, nor shall he publicly advertise any treatment the principal element of which consists in the administering, dispensing, furnishing, giving, or delivery of a narcotic drug, except that a wholesale druggist or manufacturing pharmacist may advertise in journals and publications intended for circulation among the medical profession and drug trade generally.

"13. No person not being a physician, dentist, nurse, or veterinarian, registered under the laws of this State or of the State where he resides, or a registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, registered pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles herein-after mentioned by reason of his official duties, nurse acting under the direction of a physician, employee of an incorporated hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles, shall have in his possession a hypodermic syringe, hypodermic needle or any instrument adapted for the use of narcotic drugs by subcutaneous injection. No such syringe, needle or instrument shall be delivered or sold to or exchanged with any person except a registered pharmacist, physician, dentist, veterinarian, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, a nurse under the written order of a physician, or an employee of an incorporated hospital, upon the written order of its superintendent or officer in immediate charge.

"14. Each building, place, or tenement which is resorted to by habitual users of narcotic drugs for the purpose of using such drugs or which is used for the illegal keeping for sale of the same shall be deemed a common nuisance; and whoever keeps or knowingly maintains such a common nuisance shall be punished by imprisonment of not less than three months.

"15. It shall be a violation of this section for any practitioner of medicine, dentistry, or veterinary medicine to administer to himself narcotic drugs, or furnish to or prescribe for the use of narcotic drugs with the purpose that the narcotic drugs be returned to him.

"16. The possession of a pipe or pipes used for smoking opium or the usual attachments or attachment thereto or other contrivances used for smoking opium, or extracts, tinctures, or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than 4 grains to each fluid or

avoidupois ounce, except corn remedy containing not more than 15 grains of the extract or fluid extract of hemp to the ounce mixed with not less than five times its weight of salicylic acid combined with collodion, may be seized by a peace officer, and such drugs and pipes shall be destroyed by such officer.

"17. The State board of pharmacy may revoke the registration of any registered pharmacist or assistant pharmacist upon conviction of the second offense for violating any provisions of this section.

"18. No person shall take or use narcotic drugs habitually, excessively, or except in pursuance to a prescription for such permitted use as is prescribed in subsections 5 and 6 of this section. The possession of narcotic drugs by persons not authorized by law to have such possession or their possession of a hypodermic syringe and hypodermic needle used in the administration of drugs shall be prima facie evidence of the unlawful use of such drugs. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100 or by commitment to an institution for the treatment of drug addicts for a period not less than six months or until such person shall be cured of his addiction to the use of narcotic drugs, but not exceeding one year: *Provided, however,* That upon the certificate of the superintendent of the institution to which such person has been committed, that such person has been cured of his addiction to the use of narcotic drugs, such person shall be released, and such commitment terminated. Any person so committed who has been confined in such institution for at least six months and who has been refused a certificate of cure and release by the superintendent of such institution may obtain a trial of the question of the cure of his addiction to the use of drugs in the same manner and with the same effect as is provided for the retrial of insane persons by section 51.11.

"19. The State board of control shall make provisions for the public treatment of narcotic drug addicts at one of the State institutions to which the commitment provided in subsection 18 of this section shall be made from counties, villages, and cities of the second, third, and fourth classes. Provision shall also be made by cities of the first class for the public treatment of narcotic drug addicts in local institutions, to which all commitments in pursuance of subsection 18 of this section in cities of the first class shall be made.

"20. Any person resident in the State who may be addicted to the use of narcotic drugs may, upon his agreement to remain in such institution for a period of six months or longer if necessary for his cure, and his written application stating his addiction, supported by the certificate of at least two physicians, who shall have been duly licensed to practice and shall have had at least two years' experience in the practice of their profession, based upon personal examination of such person, be admitted as a voluntary patient to any institution provided by the State for the treatment of drug addicts, or if such person is a resident of a city of the first class to such institution provided by such city. Such person, if so admitted to either of such institutions, if not indigent, shall be required to pay such sum for his maintenance and at such times as the State board of control or such city of the first class may by rule, by-law, or ordinance prescribe. Otherwise all voluntary patients shall have the same standing and be subject to the same laws, rules, and regulations as drug addicts, except that they shall have the right to leave such institution at any time if, in the judgment of the superintendent they are in a fit condition, on giving five days' notice to the superintendent of their desire to do so. Any such voluntary submission to admission and treatment shall operate as a bar to any prosecution for any violation of subsection 18 of this section theretofore committed by such voluntary patient."

Sec. 5. A new section is added to the statutes to read:

"Sec. 1419b [see section 26 of chapter 449, Acts of 1923]. Any person who shall violate any of the provisions of subsections 2, 3, 5, 12, and 13 of section 1419 or section 1419a shall be guilty of a felony and upon conviction shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the house of correction or State prison for not less than one year nor more than five years. Any person who shall violate any of the provisions of section 1419 not otherwise specified herein shall be guilty of a felony and upon conviction shall be punished by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment in the house of correction or State prison for not less than one year nor more than five years."

Rabies—Muzzling, Confining, Control, and Destruction of Dogs in District Quarantined for—Notice and Enforcement of Quarantine. Cattle—Tuberculin Testing of. Calves from Tuberculous Cows—Operation of Quarantined Farms for Raising of. Dairy Products from Tuberculin Tested Cattle—Labeling. Diseased Animals—Appraisal and Destruction—Payments to Owners—Inspection of Premises. Tuberculin—Furnishing of, by State Livestock Sanitary Board—Reports Regarding Sale or Furnishing of. Communicable Diseases of Animals—Reports of Cases. Livestock—Inspection and Testing of, for Interstate Shipment. Dead Animals—Disposal—Transportation of, when Death Due to Communicable Disease. Condensaries Canneries, Butter Factories, Cheese Factories, and Receiving Stations—Licensing. Soda Water Beverages—Court Action Authorized to Contest Refusal or Revocation of License for the Manufacture or Bottling of. Bakeries and Confectionaries—Definitions of Terms. Amendment, Revision, and Renumbering of Certain Sections of the Statutes. (Ch. 152, Act May 18, 1923.)

SECTION 1. Title XVI of the statutes is renumbered to be Title XII and revised to read:

TITLE XII. AGRICULTURE; FOODS AND DRUGS; MARKETS

SEC. 22. A new chapter of the statutes is created to be numbered and entitled:

CHAPTER 94. LIVESTOCK SANITATION

SEC. 24. Subsection 5a of section 1492ab of the statutes is renumbered to be section 94.02 and amended to read:

"94.02 *Quarantine for rabies.*—Whenever any district shall be quarantined for rabies all dogs within said district shall be kept securely confined or tied or held in leash or muzzled and in the immediate control of the owner or keeper. Any dog not so confined or tied and out of the immediate control of its owner or keeper is declared to be a public nuisance and may be killed by any person, without thereby incurring any liability. The sheriff and his deputies and every constable, marshal, and other police officer shall actively cooperate in rendering said quarantine effective. The clerk of every town, city, or village wholly or partly within the quarantine area shall promptly post in at least three public places in his town, city, or village such notices of quarantine as may be furnished him by the department of agriculture for posting."

SEC. 25. Subsection 5g of section 1492ab of the statutes is renumbered to be section 94.03.

SEC. 26. Subsection 5m of section 1492ab of the statutes is renumbered to be section 94.04, "Diseases Denied."

SEC. 27. Subsection 5h of section 1492ab of the statutes is renumbered to be section 94.05, "Animals in Transit."

SEC. 28. Subsection 5r of section 1492ab of the statutes is renumbered to be section 94.06, "Diseased Animals Reported; Transportation of."

SEC. 29. Subsection 6 of section 1492ab of the statutes is repealed.

SEC. 30. Subsection 7 of section 1492ab of the statutes is renumbered to be section 94.07 and amended to read:

"94.07. *Tested areas.*—(1) Whenever petitions signed by 60 per cent or more of the cattle owners, as disclosed by the last assessment rolls of the several taxing districts therein, who reside in any county, shall be presented to the department of agriculture, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor. The commissioner of agriculture shall fix a time when and place where said petitions and any objection thereto will be heard by the State livestock sanitary board, and notice of said hearing shall be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time and place fixed for such hearing, the board shall examine and consider said petitions and the evidence, facts, and things offered in support of and against the same, and shall render its decision thereon. In case the board shall determine that the petitions are sufficient to satisfy the statute, such decision and determination shall be final unless reviewed in the manner herein provided. In case the board grants the same and undertakes the work, notice of such decision and determination and the time when the testing will begin shall be given by publishing the same in at least one newspaper published in such county.

"(2) A rehearing shall be granted upon the written application therefor, signed by not less than 10 per cent of the resident cattle owners in such county, as shown by the last assessment roll, and filed with the department of agriculture within thirty days after the publication of the decision. The commissioner of agriculture shall, upon receipt of a valid application for rehearing, order one or more members of said board to make investigations in said county and hold at least one public hearing therein. The member or members shall make and file with the commissioner of agriculture a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon at a meeting of the livestock sanitary board, and if said board shall find that the original petitions were sufficient, its decision shall be final.

"(3) At any time after the date fixed to commence the work, any member of the State livestock sanitary board, and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test may enter any barns, stables, yards, pastures, or other buildings or inclosures where cattle may be, for the purpose of making inspection and applying the tuberculin test, and any person who shall interfere therewith or obstruct them in said work or attempt to obstruct or prevent by force the carrying on of the inspection and the testing shall be liable to a penalty of not less than \$25 nor more than \$100, and in addition thereto shall be liable to all damages thereby caused to the State or county or to any person lawfully engaged in the work of inspection and testing.

"(4) The department of agriculture shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized. Should any such equipment or supplies so provided be no longer needed, the same may be disposed of by the superintendent of public property, and the proceeds derived from the sale of the surplus or unneeded equipment and supplies shall be paid into the State treasury and credited to the appropriation for such testing."

[For subsection 5 see section 1 of chapter 331, Acts of 1923.]

SEC. 31. Section 1492ab-1 of the statutes is renumbered to be section 94.08 and is revised to read:

"94.08. *Bang system; calves from tubercular cattle.*—The livestock sanitary board may authorize the operation of quarantined farms for the purpose of raising calves from tubercular cows under the Bang system and such rules and regulations as the board shall prescribe."

SEC. 32. Section 1492ab-2 of the statutes is renumbered to be section 94.09.

SEC. 33. Section 1492ab-3 of the statutes is renumbered to be section 94.10 and is revised to read:

"94.10. *Labeling products from tested herds.*—(1) Whenever an entire county has been tested for bovine tuberculosis, and so long as all the owners of cattle therein shall comply with the law and the rules for the eradication of said disease, the department of agriculture shall authorize the county clerk to issue to those engaged in the sale or manufacture of dairy products derived solely from such cattle a permit to label or mark said products as derived from cows which are free from said disease. The form of labels and marks shall be prescribed by the commissioner of agriculture. Every applicant for a permit shall file with the county clerk at the time the application is made a sworn statement to the effect that all products to be labeled or marked are derived from cows that have successfully passed the tuberculin test.

"(2) Whenever all milk or cream delivered to any cheese factory or creamery shall come from tested herds, the owner or operator thereof may file a sworn statement with the department of agriculture that to his best knowledge and belief all milk and cream received or used at his cheese factory or creamery comes from cows which have successfully passed the tuberculin test, and if the commissioner of agriculture is satisfied of the truth of said statement he shall issue to such cheese factory or creamery a permit to label or mark its dairy products in the manner above provided.

"(3) All permits issued under this section shall be for the period ending December 31 of the year for which issued. All applications for permits under subsection (2) of this section shall be accompanied by a fee of 10 cents for each cow to be included in the permit.

"(4) Any permit may be revoked by the commissioner of agriculture if there has been a material misstatement in the application, or if any of the requirements for the issuance of such permit is wanting at any time. No person shall use or cause to be used any such label or mark without a permit therefor.

"(5) Any person who shall misuse or imitate the official label or mark furnished by the commissioner of agriculture or shall make any material misstatement in the application for a permit or a renewal thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail not more than thirty days or by both."

SEC. 34. Section 1492ab-5 of the statutes is renumbered to be section 94.11, "Animal Diseases; Cooperation with United States."

SEC. 35. Section 1492a-1 of the statutes [see section 1 of chapter 442, Acts of 1923] is renumbered to be section 94.12, "Tuberculin Test on Request of Patrons of Creamery or Cheese Factory" [see section 9a of chapter 449, Acts of 1923].

SEC. 36. Commencing with the last word in line 10 of subsection 5 of section 1492ab, the balance of the subsection is renumbered to be section 94.13.

SEC. 37. Subsection 1 of section 1492b of the statutes is renumbered to be section 94.14.

SEC. 38. Subsection 2, the first six lines of subsection 3, and lines 18, 19, and to the period in line 20 of subsection 3, and subsections 4 and 5 of section 1492b of the statutes are consolidated and renumbered to be section 94.15 and revised to read:

"94.15. *Valuation; appraisers; fees.*—(1) Such notice shall be entered on the docket by the justice, who shall immediately thereafter notify such owner, agent, or possessor of the animals, and summon three disinterested citizens of the county, not residents of the immediate neighborhood in which the animals are owned or kept, to appraise the value thereof. Every appraiser shall have had experience in the raising and care of livestock, and shall be familiar with the value of livestock, and competent to appraise the same. The appraisers shall, before entering upon the discharge of their duties, be sworn by the justice to make a true appraisal without prejudice or favor of the market value of such animals. The appraisers shall immediately make a verified report to the justice, giving the number of animals appraised, and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

"(2) In making appraisement of an animal diseased with glanders, equine pernicious anaemia or dourine, the owner shall receive one-half of the appraised value, but in no case shall he receive to exceed \$75.

"(3) The appraisers shall receive \$2 a day for each day actually employed as such, which amount shall be paid out of the county treasury upon the certificate of the justice by whom they were summoned. The justice of the peace and other officers who may perform any duty hereunder shall have the same fees as are allowed by law in civil proceedings in justice courts, and shall be paid by the county in which their services are performed."

SEC. 39. All of subsection 3 of section 1492b not incorporated in section 94.15 is renumbered to be section 94.16 and revised to read:

"94.16. *Indemnity for slaughtered animals; United States and county cooperation.*—(1) For each animal condemned and slaughtered the owner shall receive in addition to the net salvage upon the certificate of the department of agriculture and the State shall pay the owner in cases coming under the cooperative agreement between the State and the United States a sum equal to one-fourth of the difference between the net salvage and the appraised or agreed value of the animal, but additional payment shall not exceed \$45 for a registered bovine and \$20 for an unregistered one. In other cases the owner shall receive in addition to the net salvage, and the State shall pay, half of the difference between the net salvage and the appraised or agreed value, but not more than \$90 for a registered bovine and \$40 for an unregistered bovine.

"(2) The livestock sanitary board may cooperate and arrange with county boards and the United States Department of Agriculture, or with either, in the eradication of tuberculosis, so that each may pay and contribute such part of the cost of eradication or indemnity as shall be agreed upon. The county boards are authorized to appropriate funds for that purpose, and when appropriated shall be paid into the State treasury, added to the State appropriation, and expended under the direction of the livestock sanitary board."

SEC. 40. Subsection 3a of section 1492b of the statutes is renumbered to be section 94.17 and is revised to read:

"94.17. *Tubercular animals that do not react.*—Whenever in the opinion of the director of livestock sanitation a bovine is afflicted with tuberculosis, although failing to react to the tuberculosis test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors."

[No section 41.]

SEC. 42. Subsection 9 of section 1492b of the statutes is renumbered to be section 94.18 and amended to read:

"94.18. *Slaughter on premises.*—The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the director of livestock sanitation or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the United States Bureau of Animal Industry, to be unfit for human food, he shall destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the board."

SEC. 43. Subsection 10 of section 1492b of the statutes is renumbered to be section 94.19 and is revised to read:

"94.19. *Compensation to owners.*—The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

"(1) Animals owned by the United States, this State, or any county, city, town, or village.

"(2) Animals brought into this State contrary to any provisions of law.

"(3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.

"(4) Animals diseased at the time of arrival in this State.

"(5) Animals which the owner has negligently or willfully exposed to contagious or infectious disease.

"(6) Animals brought into this State within one year prior to slaughter, and which did not pass successfully a tuberculin test during that period and after the importation test.

"(7) When the infected premises have not been disinfected to the satisfaction of the livestock sanitary board in such manner as to prevent the further spread of the disease.

"(8) Where the owner of reacting cattle or the person from whom such cattle have been obtained within ninety days has not tested his entire herd within two years; unless the owner or the person from whom the cattle was so obtained shall agree to test the entire herd, in which case the claim shall be held up until the herd has been tested.

"(9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine which had not passed the tuberculin test."

SEC. 44. Subsection 11 of section 1492b of the statutes is renumbered to be section 94.20.

SEC. 45. Subsection 11m of section 1492b of the statutes is renumbered to be section 94.21 and is amended to read:

"94.21. *Agreement to test herd.*—Before any such claim is paid the owner shall agree in writing to test his entire herd sufficiently often to protect the same against the spread of tuberculosis in it. The frequency of such tests shall be determined by the department of agriculture; but in no case shall more than two years intervene between such tests."

SEC. 46. Section 1492b-2 of the statutes is renumbered to be section 94.22, "Report of Tuberculin Test."

SEC. 47. "Section 1492b-3 of the statutes is renumbered to be section 94.23 and is amended to read:

"94.23. *Tuberculin supplied.*—The livestock sanitary board shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test."

SEC. 48. Section 1492b-5 of the statutes is renumbered to be section 94.24, "Labeling of Tuberculin."

SEC. 49. Section 1492b-6 of the statutes is renumbered to be section 94.25 and is amended to read:

"94.25. *Report of sale.*—Every person who shall sell, furnish, give away, or supply tuberculin shall, on the day thereof, report to the State livestock sanitary board, giving the name and address of the person to whom sold, furnished, or supplied the amount thereof and the date of delivery."

SEC. 50. Section 1492b-7 of the statutes is renumbered to be section 94.26, "Notice to Purchaser."

"SEC. 51. Section 1492b-8 of the statutes is renumbered to be section 94.27, "Revocation of Permit to Test."

SEC. 52. Section 1492b-9 of the statutes is renumbered to be section 94.28.

SEC. 53. Subsections 1 and 2 of section 1492c of the statutes are renumbered to be section 94.29 and amended to read:

"94.29. *Reports of animal diseases.*—(1) All veterinarians shall immediately report to the commissioner of agriculture the existence among animals of any communicable disease coming to their knowledge. The report shall be made in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal.

"(2) It shall be the duty of every person who shall have reason to suspect that there is upon his premises, or upon premises occupied by him, or under his control, any domestic animal having a communicable disease, to immediately report the fact to the director of the livestock sanitary board. The board or director may require the owner to employ at his own expense a licensed veterinarian to examine such animal and to report his diagnosis to the board."

SEC. 54. Subsection 3 of section 1492c of the statutes is renumbered to be section 94.30 and amended to read:

"94.30. *Inspection of premises.*—The State livestock sanitary board or any member thereof, or any veterinarian duly authorized by the commissioner of agriculture, or any duly appointed health officer may enter upon any premises or go into any building or place where he has reason to suspect there are diseased animals, and examine and test the same, and may call to his aid, if necessary, the sheriff or any constable of the county in which such animals may be located and all such officers, when so called upon by the department of agriculture or a duly appointed representative, shall assist in the enforcement of the provisions of law relating to contagious and infectious diseases of animals."

SEC. 55. Section 1492e of the statutes is renumbered to be section 94.31 and is revised to read:

"94.31. *Veterinarian defined.*—No person shall be considered a veterinary surgeon or a veterinarian within the meaning of this chapter, who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada, or Europe."

SEC. 56. Subsections 1, 2, 3, and 4, except the last sentence of section 1492em of the statutes are renumbered to be section 94.32 and revised to read:

"94.32. *Inspection of livestock for shipments.*—(1) Inspection, examination, or testing of livestock for interstate shipment shall be made in this State only by inspectors of the United States Bureau of Animal Industry and inspectors authorized by the livestock sanitary board.

"(2) The livestock sanitary board shall upon request for inspection and tuberculin test of cattle for interstate shipment from this State cause such inspection and test to be made.

"(3) Whenever such inspection and test shall be made by a veterinarian in the employ of the department of agriculture, the person requesting the same shall pay therefor such fees as shall be determined by the livestock sanitary board, which fees shall be substantially equivalent to the cost of such inspection and test. Such fees shall be paid to the inspectors before the certificate of inspection is delivered. All such fees shall be paid within one week after receipt into the State treasury. The board may require its inspectors to give such bonds as it may determine.

"(4) Any person violating this section shall be liable to a fine of not less than \$25 nor more than \$100 or to imprisonment of not more than thirty days or to both such fine and imprisonment."

SEC. 57. Subsections 5 and 6 of section 1492em of the statutes are renumbered to be section 94.33 and revised to read:

"94.33. *Reacting exported cattle.*—(1) Whenever cattle which were tuberculin tested by an authorized inspector in this State prior to shipment into another State, or are tuberculin tested in the other State within three months after arrival there and an unreasonable number react to such retest, the State livestock sanitary board shall investigate facts in connection therewith and may compel the appearance before it of the shipper. If it shall appear that the unreasonable number of reactors was due to any act or omission of the shipper, he shall thereafter be denied the privilege of inspection."

[For subsection 2 see section 1 of chapter 381, Acts of 1923.]

* * * * *

Sec. 59. Subsection 8 of section 1492em of the statutes is renumbered to be section 94.35, "ear tags."

Sec. 60. Section 1491m of the statutes is renumbered to be section 94.36 and is amended to read:

"94.36. *Disposition of carcasses.*—(1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake, or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under his control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than twenty-four hours in the months of April to November, inclusive, or forty-eight hours during the months of December to March, inclusive.

"(2) No person shall transport, haul or drag, or permit to be transported, hauled or dragged along any public highway in this State the carcass of any animal suspected of having died from anthrax, blackleg, foot-and-mouth disease, or glanders, or any other disease which the livestock sanitary board may designate as highly dangerous. All such carcasses shall be burned or be buried at least four feet below the surface of the ground, and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of in rendering plants under such regulations as shall be prescribed by the department.

"(3) Any dead animal found upon a public highway or other public place shall, in case the owner of such animal can not be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city, or village wherein such animal is found.

"(4) Any person violating this section shall be fined not less than \$25 nor more than \$100."

* * * * *

SEC. 188. A new chapter of the statutes is created to be numbered and entitled:

CHAPTER 98. DAIRY, FOODS, AND DRUGS

* * * * *

SEC. 194. Sections 1410b-2 and 1410b-5, except subsection 8, of the statutes are consolidated and renumbered to be section 98.06 and revised to read:

"98.06. *Condensary, cannery, and butter and cheese factory licenses.*—(1) No person shall operate a condensary, cannery, or butter or cheese factory or a receiving station without a license therefor from the commissioner. Such license shall be granted under such reasonable rules and regulations as the commissioner may from time to time prescribe. Upon receiving an application for such license the commissioner shall issue a permit to the applicant, to operate, and such permit shall have the effect of a license only until a license shall have been issued to the applicant, or until such applicant shall have been notified of the denial of his application.

"(2) As soon as convenient after the filing of such application, the commissioner shall cause an investigation to be made of the conditions of such condensary, cannery, or butter or cheese factory or receiving station for the purposes of determining whether a license should be granted.

"(3) Each application for such license shall be made upon an application blank furnished by the commissioner upon request, and shall give such information as the commissioner may reasonably require, and the commissioner shall furnish to the applicant the rules and regulations incident to securing a license.

"(4) Each application for a license to operate a butter or cheese factory or a receiving station shall be accompanied by a fee of \$2, and for a cannery or condensary by a fee of \$25, payable to the commissioner, and no license shall be issued until such fee is paid. In case a license is refused, the fee shall be returned by the commissioner to the applicant with notice of refusal.

"(5) License to operate a receiving station or a butter factory or cheese factory shall expire on the 1st day of January next following the date of issue, but may be renewed without inspection on or before the 1st day of January of each year upon application of the licensee and upon payment of \$2 to the commissioner; where a butter and cheese factory are operated together in one plant only one license and fee shall be required.

"(6) License to operate a condensary or canning factory shall expire on the 31st day of March next following the date of issue, but may be renewed, without inspection, on or before the 1st day of April of each year, upon application of the licensee, and upon the payment of \$25 to the commissioner.

"(7) No permit, license or renewal shall be transferable.

"(8) License to operate shall be deemed void, and shall be surrendered to the commissioner, when the person to whom granted discontinues the use of the building for which such license was granted.

"(9) The commissioner is authorized, after reasonable notice, to suspend or revoke any license if the licensee fails to comply with any provisions of this section, or with any rule or regulation promulgated by the commissioner, and he shall restore such license when the licensee fully complies with all of the provisions of this section and the said rules and regulations.

"(10) The owner or operator of any receiving station or depot or any butter or cheese factory or cannery or condensary, being dissatisfied with any order of the commissioner to close the same or revoking or refusing a license to operate it, may commence an action in the circuit court for the county in which such station, depot, factory, cannery, or condensary is located against the commissioner to vacate and set aside such order on the ground that the order is unlawful, or unreasonable. The complaint shall be served with the summons. The answer or demurrer shall be served within ten days after the service of the complaint. All such actions shall have precedence over any civil cause of a different nature, and the court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the commissioner, except upon application to the court or the presiding judge thereof, notice to the commissioner and a hearing.

"(11) For the purpose of this section the term 'receiving station' shall mean and include any building or place used in buying or receiving and shipping milk or cream, and shall not mean, include, or apply to the gathering or collecting of milk or cream by wagon or other similar vehicle, or by automobile or other similar motor vehicle, or to the distribution of milk or cream to its ultimate consumer."

SEC. 195. Subsections 1, 2, 3, 5, 6, and 7 of section 1410b-7 of the statutes are renumbered to be respectively subsections (1) to (6) of section 98.07 "Milk, Adding Foreign Fats," and subsection (5) thereof is amended by striking out the words "dairy and food."

SEC. 200. Section 1410b-11, except subsection 9, of the statutes is renumbered to be section 98.12, "Regulation of Soda Water Business," and is amended by striking from said section the words "dairy and food" wherever they occur, and subsection (7) thereof is revised to read:

"(7) Any person engaged in the manufacture or bottling of any soda water beverage whose license has been refused or revoked, being dissatisfied with such order of the commissioner, may commence an action in the circuit court for the county in which such person resides against the commissioner to restore such license on the ground that the refusal or revocation of the license is unlawful or unreasonable, and the procedure in such action shall be as prescribed by subsection (10) of section 98.06."

SEC. 201. Sections 1410b-3 and 1494ad, subsection 8 of section 1410b-5, subsection 4 of section 1410b-7, and subsection 9 of section 1410b-11 are consolidated, renumbered to be section 98.13, and revised to read:

"98.13. *Penalties.*—(1) Every violation of any of the provisions of sections 98.05, 98.06, and 98.12 or any lawful rule or regulation issued by the commissioner, shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than ten days nor more than thirty days and the revocation of the license of the convicted person.

"(2) Every violation of any of the provisions of sections 98.07 and 98.13 shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment of not less than thirty days nor more than sixty days or by both."

SEC. 202. Section 1410c of the statutes is renumbered to be section 98.14 "Submission of Articles for Analysis; Evidence," and is amended by striking from the third line the words "dairy and food."

SEC. 204. Subsections 1 and 2 of section 1410d-1 of the statutes are renumbered respectively to be section 98.16 "Bakeries and Confectionaries; Buildings Used for, and section 98.17 "Water-closets and Ash Pits; Gases and Odors."

SEC. 205. Subsections 1 to 5 of section 1410d-2 of the statutes are renumbered to be respectively section 98.18, "Toilet Facilities; Cleansing of Persons and Quarters"; section 98.19, "Rooms Not to be Used for Habitation"; section 98.20, "Clothing"; section 98.21, "Filth, Disease, Decay, and Vermin"; and section, 98.22, "Same; Exposure for Sale."

SEC. 206. Section 1410d-3 of the statutes is renumbered to be section 98.23, "Height of Rooms."

SEC. 207. Section 1410d-4 of the statutes is renumbered to be section 98.24, "Communicable Diseases."

SEC. 208. Section 1410d-5 of the statutes is renumbered to be section 98.25, "Alterations Required by Law; Limitation of Time," and is amended by striking from lines 2 and 11 the words "dairy and food" and by striking from line 17 the figures and words "1410d-1 to 1410d-8" and by inserting in place thereof the figures and word "98.16 to 98.30."

SEC. 209. Subsection 1 of section 1410d-6 of the statutes is renumbered to be section 98.26, "Bakery Inspection, Salary of Inspector," and is amended by striking out the figures and word "1410d-1 to 1410d-8" and by inserting in place thereof the figures and word "98.16 to 98.30"; and by striking out the words "dairy and food" wherever they occur in said section.

SEC. 210. Subsection 2 of section 1410d-6 of the statutes is renumbered to be section 98.27, "Licenses; Revocation"; and is amended by striking from the fourth and twenty-fourth lines the figures and word "1410d-1 to 1410d-8" and by inserting in each place thereof the figures and word "98.16 to 98.30"; and by striking from the eighth and ninth lines thereof the words "and shall be accompanied by a license fee as provided in subsection 2a of this section"; and by striking out the words "dairy and food" wherever they occur in said section.

SEC. 211. Subsection 3, 4, 5, and 6 of section 1410d-6 of the statutes are renumbered to be subsections (1) to (4) of section 98.28 and amended to read:

"98.28. *Definition of terms.*—(1) The terms 'bakery' and 'bakeshop' as used in sections 98.16 to 98.30, inclusive, are defined to be any room or place where bread, crackers, cakes, pies, macaroni, spaghetti, or any other food product of which flour or meal is the principal ingredient are baked, cooked, or dried, or prepared or mixed for baking, cooking, or drying for sale as food: *Provided however*, That the terms 'bakery' and 'bakeshop' shall not be deemed to include any restaurant, hotel, café, boarding house, or other public eating place wherein such products are prepared to be used and are used exclusively at meals and served in such restaurants, hotel, café, boarding house, or other public eating place.

"(2) The term 'new bakery' as used in said sections is defined to be a bakery established in a room not theretofore used for baking purposes or in a room constructed for baking purposes after July 10, 1907: *Provided*, That any bakery or bakeshop established before July 10, 1907, the ceiling of which is less than 8 feet high from the floor, and which has not been out of use continuously for a period of over six months, need not be altered so as to make the ceiling 8 feet from the floor.

"(3) The terms 'confectionary' and 'confectionary' establishment as used in said sections are defined to be any room or place where candy, sweetmeats, or any other food products of which sugar, molasses, chocolate, or nut meats are the principal ingredients are prepared, mixed, cooked, dried, formed, coated, or cooled to be sold as food, and any room or place where food the principal ingredients of which are sugar, milk, cream, or fruit are chilled or frozen or prepared or mixed for chilling or freezing, and any room used for any process incidental thereto.

"(4) The term 'new confectionary' as used in said sections is defined to be a confectionary established in a room not theretofore used for confectionary purposes, or in a room constructed for confectionary purposes after July 10, 1907: *Provided*, That any confectionary established before and which has not been out of use continuously for a period of over six months immediately preceding said date and the ceiling of which is less than 8 feet high from the floor, shall not be required to be altered to make the ceiling 8 feet high from the floor."

SEC. 212. Section 1410d-8 of the statutes is renumbered to be section 98.29, "Bakeries; Confectionaries," and subsection (3) thereof is amended by striking out the words "dairy and food."

SEC. 213. Section 1410d-7 of the statutes is renumbered to be section 98.30 and is amended to read:

"98.30. *Penalties for violations of sections 98.10 to 98.20.*—Any person who shall use any room, building, or apartment for the purpose of establishing or

operating a bakery or confectionary establishment therein without first securing a license permitting him so to do, or who, by himself or his servant or agent or as the servant or agent for any firm or corporation, shall violate or fail to comply with any of the provisions of sections 98.16 to 98.20 or of sections 98.23 and 98.25 thirty days after notice in writing shall have been served upon him personally, or sent through registered mail to him by the commissioner, requiring such person to take such action or to make or cause to be made such changes, repairs, or alterations in such bakery or confectionary establishment as may be necessary to have such bakery or confectionary establishment conform to the provisions of law for their sanitary regulation, or if the required changes, repairs, or alterations could in the exercise of reasonable diligence not be made or completed within thirty days after such additional time as may have been necessary to complete the required action, change, repairs, or alterations has expired, not to exceed ninety days, however, from the receipt of notice in any case; or who by himself or his servant or agent or as the servant or agent of any firm or corporation, shall violate or fail to comply with the provisions of section 98.24 after one day's notice in writing has been served upon him by the commissioner to discontinue his employment in or about such bakery or confectionery establishment; or who by himself or his servant or agent, or as the servant or agent of any firm or corporation, shall violate or fail to comply with the provisions of sections 98.21 and 98.22 shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$20 nor more than \$100, or by imprisonment in the county jail for not more than ninety days, or both."

* * * * *

Animals—Prohibition of Importation or Movement of, to Prevent Introduction or Spread of Communicable Diseases—Movement of Cattle in Counties where Tuberculin Testing is Being Done—Quarantine or Destruction of Diseased Animals—Appraisal of Diseased Animals—Payments to Owners for Animals Destroyed—Alteration of Test Records Prohibited—Inspection Privileges Concerning Cattle to be Denied in Certain Cases. Creameries and Cheese Factories—Treatment of By-Products of—Use by, of Milk or Milk Products from Cattle Quarantined Because of Communicable Disease—Milk Used by, to Come Only from Tuberculin Tested Cows in Certain Cases. (Ch. 381, Act July 10, 1923)

SECTION 1. * * * section 94.03, subsection (5) of section 94.07, sections 94.13, 94.14, and 94.28, subsection (2) of section 94.33 * * * of the statutes are amended to read:

* * * * *

"94.03. *Embargo on animals from infected districts.*—Whenever there shall be reason to believe that there is danger of the introduction into this State of any communicable disease prevailing among domestic animals outside this State or of its spread from one locality in this State to another, the director of livestock sanitation shall investigate the existing conditions, and if he concludes that danger exists to the livestock interests of this State therefrom, he may, subject to the approval of the commissioner or the board, prohibit the importation of animals of the diseased kind from the infected district into this State, or the removal of them from one part of the State to another under such regulations as the commissioner may establish.

"94.07. (5) No cattle shall be brought into any county after the tuberculin test provided for shall have been commenced, or moved from one part of such county to another, except in compliance with regulations prescribed by the livestock sanitary board.

"94.13. *Option to quarantine or kill diseased animals.*—In case of bovine tuberculosis or actinomycosis, the owner shall be granted the option of retaining the animals in quarantine under such restrictions as the department may prescribe, or of shipping them under the auspices and direction of the department to some place designated by it for immediate slaughter under United States Government inspection or under the inspection of the director of livestock sanitation.

"94.14. *Slaughter of diseased animals.*—Whenever the owner shall not exercise the option mentioned in the preceding section, and it shall be deemed necessary by the director of livestock sanitation to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the livestock sanitary board has authority to agree in writing with the owner as to the value of such animals;

in the absence of such agreement, written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

"94.28. *Altering test records.*—It shall be unlawful for any person to in any manner change the record of any temperature sheet or to falsely record any test, or to induce or conspire with another, either directly or indirectly, to change the record of any test sheet, or to falsely record any test. Any person violating any of the provisions of this action [section] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail for not less than sixty days nor more than six months.

"(94.33). (2) Whenever the proper authority of any State shall report to the Wisconsin livestock sanitary board that a citizen of such State has exported from this State cattle which were tuberculin tested by an authorized inspector in this State for export from Wisconsin to such State, and that an unreasonable number of such cattle reacted to such test in the other State within three months after arrival there and that such facts are substantiated by a post-mortem examination made by a Federal meat inspector, the livestock sanitary board shall, if satisfied of the truth of such report, thereafter deny to the shipper the privileges of inspection provided in this chapter."

* * * * *
SEC. 3. Sections 1480t-1 to 1480t-17, 1492a-1, subsections 6, 7, and 8 of section 1492b, sections 1493, 1494, 1494x-9, 1494-4, 1494-10w, 1494-18, and subsection 8 of section 1636L of the statutes is [are] repealed.

SEC. 4. Sections 94.09, 94.20 * * * of the statutes are revised to read:

"94.09: *Operation of creameries and cheese factories.* (1) *Sterilization of by-products.*—No by-products of any creamery or cheese factory shall be returned or permitted or delivered to be returned to any farm or feeding station for animals until such by-products shall have been treated in accordance with the rules and regulations of the livestock sanitary board, unless all the milk delivered to any cheese factory or creamery shall come from cows which have within one year successfully passed a tuberculin test made by a licensed veterinarian. It shall be the duty of the dairy and food commissioner and his agents, chemists, inspectors, and agents [sic] to enforce this subsection.

"(2) *Milk from quarantined herds.*—Whenever any herd of cattle or any district shall be quarantined because of the existence therein of communicable animal disease, the commissioner of agriculture may order that no milk or milk product from such herd or district shall be utilized in any creamery or cheese factory unless such milk or milk product has been pasteurized or sterilized in accordance with the standards or methods prescribed by the dairy and food commissioner.

"(3) *Milk from tested herds.*—Whenever a majority of the patrons of any cooperative cheese factory or creamery, at a regular meeting of the association, shall vote to have their cows tuberculin tested, no milk shall, after a date to be fixed by the association, be accepted at such factory or creamery, except it comes from cows which have successfully passed such test.

"(4) *Penalty.*—Every violation of this section shall be punished by a fine of not less than \$20 nor more than \$200 or by imprisonment in the county jail not less than thirty days nor more than one year, or by both.

"94.20. *Claims for indemnity.*—Claims against the State arising from the condemnation of animals shall be made by delivering to the livestock sanitary board to be forwarded to the secretary of state a copy of the condemnation notice and of the notice to the justice of the peace and the return of the appraisers to the justice, which return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned, and the tag number of each animal, and also a statement of the salvage received and of the sum due from the State, and such additional information as the board shall require. In case the value was fixed by agreement the claim shall be made by delivering to the board to be forwarded to the secretary of state the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the State, and any additional information demanded. The board shall promptly transmit all claims to the secretary of state and accompany the same with a report of the sum due from the State, and thereupon the claims may be audited and paid."

* * * * *

Cattle—Tuberculin Testing and Retesting in Counties—Required to be Tuberculin Tested Before Removal from Certain Stock Yards when about to be Used for Dairy or Breeding Purposes—Tuberculin Test May be Applied Only by Certain Persons—Tagging and Branding of Reactors—Revocation of Right to Apply Tuberculin Test. (Ch. 442, Act July 14, 1923)

SECTION 1. Paragraph (e) of subsection 7 of section 1492ab, section 1492a-1 and subsections (2), (7), and (8) of section 20.60 of the statutes are repealed.

SEC. 2. Paragraphs (d), (e), and (f) of subsection 7 of section 1492ab are renumbered to be, respectively, paragraphs (h), (i), and (j) of subsection 7 of section 1492ab of the statutes.

SEC. 3. Three new paragraphs are added to subsection 7 of section 1492ab, a new section is added to the statutes * * * to be numbered and to read:

"(Section 1492ab.) (7) (d) [See section 27 of chapter 449, Acts of 1923.] The counties shall be tested in the order that petitions therefor are received unless the department shall decide that it is not expedient to make the tests in that order.

"(e) Retests shall be made by the department of agriculture in all counties in which initial tests have been made under the provisions of this section at such intervals as the department may deem necessary to protect the work already done and to preserve such counties their standing as accredited or area tested counties under the specifications and regulations of the United States Bureau of Animal Industry, and the agreements among the various States. Such retests shall be made at such times and in such manner as the livestock sanitary board may determine, in the light of the latest and best scientific and practical knowledge and experience. Such retests shall have preference over initial tests. The department is authorized to make such retests in any county in the State without petitions.

"(f) Every county which has been area tested shall, for the purpose of defraying the costs of retests ordered by the livestock sanitary board, pay into the State treasury a sum equal to the operating costs thereof, but such sum shall not be more than 25 cents for each bovine animal therein as determined by the department of agriculture from the latest reports of the local assessors. Such funds shall be added to the State appropriation to be used for the eradication of bovine tuberculosis. After retests have been completed, the department of agriculture shall report to the secretary of state the amount chargeable to the county, and such amount shall be certified to the county clerk of the county in which the retests were made, and it shall be levied, collected, and returned to the State treasury.

"Section 1492ab-4. [See section 27 of chapter 449, Acts of 1923.] No cattle shall be bought, sold, or moved from a stock yard connected with a packing plant or located in the same city or town as a packing plant for the purpose of using them for dairy or breeding stock unless they have successfully passed the tuberculin test as required by order of the livestock sanitary board."

* * * * *

SEC. 4 Section 1492b-8 of the statutes is amended to read:

"Section 1492b-8. [See section 27 of chapter 449, Acts of 1923.] The tuberculin test shall be applied to cattle only by veterinarians or persons approved by the State department of agriculture. All such persons applying such test shall tag and brand all reactors in conformity with the rules and regulations of the livestock sanitary board. Any person who fails to comply with this section and the rules, regulations, and instructions furnished by the Wisconsin livestock sanitary board, shall forfeit all right to apply the tuberculin test and surrender his permit to said board, which is hereby given the power and authority to revoke the right of any person to apply the tuberculin test, upon proof of noncompliance with these requirements."

Pupils—Instruction of, in Health Subjects. (Ch. 298, Act June 25, 1923)

SECTION 1. Subsection (2) of section 40.30 of the statutes is amended to read:

"(40.30). (2) Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money or under State control in physiology and hygiene, with special reference to health, sanitation, the effects of stimulants and narcotics upon the human system, symptoms of disease including the taking of temperature and pulse, and the proper care of the body. Regular class instruction in the foregoing, equivalent to at least five periods per week for one-half of a school year, shall be given in either the sixth,

seventh, or eighth grade. If the school board or board of education of any district shall refuse or wilfully neglect to comply with the provisions of this subsection, or of subsection (1) of this section, the district shall forfeit its right to share in the distribution of the common school fund derived from the tax provided for in section 20.25 of the statutes: *Provided*, That no pupil shall be required to take the instruction herein provided for if his or her parent or general guardian shall file with the principal or teacher a written objection to the taking of the same."

Physical Education—Instruction in, to be Included in Course for Training of Teachers and to be Given to Pupils. (Ch. 286, Act June 21, 1923)

SECTION 1. Paragraph (d) of subsection (3) of section 40.30 of the statutes is amended to read:

"(40.30). (3) (d) The county training school board of every county training school and the high-school board of every high school maintaining a course for the training of teachers now or hereafter to be organized in this State shall require a course in physical education and instruction in games and playground management to be taught in such course in said schools."

SEC. 2. Paragraphs (a) and (b) of subsection (3) of section 40.30 of the statutes are repealed.

SEC. 3. Four new paragraphs are added to subsection (3) of section 40.30 of the statutes to be numbered and to read:

"(40.30). (3) (a) The school board or board of education in each school district shall make provision for the instruction and training of all pupils under its jurisdiction in physical education.

"(b) The State superintendent of public instruction shall prepare a course of instruction in physical education adapted to the ages and capabilities of the pupils of the several grades and departments and prescribe the qualifications of teachers of physical education. The time devoted to such course by each pupil above the kindergarten shall aggregate at least two and one-half hours each school week exclusive of daily recess periods.

"(c) The State superintendent of public instruction shall appoint in his department a person of suitable training and experience who shall have general supervision of physical education and perform such other duties as the State superintendent may direct.

"(f) Physical education as used herein is defined as instruction in the theory and practice of the art of physical exercise, and instruction in hygiene, but shall not be construed to include or mean medical supervision."

Dead Bodies—Transportation. (Ch. 448, Act July 14, 1923)

SEC. 94a. A new chapter is added to the statutes, to be numbered and entitled:

CHAPTER 155. CORPSES

SEC. 94b. Section 4608a of the statutes is renumbered to be subsection (1) of section 155.01 and is amended to read:

"155.01. *Transportation*.—(1) No human corpse shall be accepted for transportation, unless prepared in conformity to the rules and regulations of the State board of health."

SEC. 94c. Section 4608b of the statutes is renumbered to be subsection (2) of section 155.01 and is amended to read:

"(155.01). (2) Disinterred corpses are declared dangerous to health, and shall not be transported unless each corpse is accompanied by a separate permit from the local health officer for removal, showing the name, age, place, cause of death, and medical attendant, the point to which to be shipped, and the undertaker in charge and attached to such permit the consent of the State board of health. Local health officers shall refuse permit when the cause of death is given as heart failure unless the physician in charge states that the cause was not diphtheria."

Embalmers—Qualifications—Licensing—Keeping and Distribution of List of. (Ch. 448, Act July 14, 1923)

SEC. 95a. A new chapter is added to the statutes, to be numbered and entitled:

CHAPTER 156. EMBALMING

SEC. 96. Chapter 464 of the laws of 1921 is repealed, and sections 1409-1 to 1409-10 of the statutes are renumbered and amended to read:

"156.01. *Practice*.—The State board of health is authorized to determine the qualifications necessary to enable one to properly embalm human corpses and disinfect the premises, in addition to those required by section 156.02. No person shall embalm a corpse without license from the board, nor shall he advertise, practice, or pretend to practice embalming. Upon request the presence of a female shall be permitted in cases of a female corpse.

"156.02. *Application*.—Application shall be in writing, on blanks prescribed by the board, accompanied by \$5, and proof that the applicant is of good moral character, 21 years of age or over, has education equivalent to graduation from the eighth grade, and has had at least two years' practical experience in embalming and disinfecting under a licensed embalmer.

"156.03. *Examination*.—Embalmers' examinations shall be held at least once a year at time and place fixed by the board, and be conducted by the board or a member. At least fifteen days prior thereto, the secretary shall mail notice thereof to all unlicensed undertakers known to him.

"156.04. *License*.—(1) To applicants passing the examination, license shall be issued, signed by president and secretary of the board and with its seal affixed.

"(2) The license may be renewed, by application within thirty days preceding expiration, on blanks prescribed by the board and payment of \$1, by like application within thirty days after expiration and payment of \$2.

"(3) Licenses and renewals shall expire on December 31 next succeeding issuance.

"(4) Not later than December 21 the secretary of the board shall mail notice of expiration, and inclose blank application for renewal, and not later than January 10 he shall mail notice to those who have not renewed, advising of expiration and the penalty for embalming without license and how his license may be revived. Notices shall be directed to the last known post-office address.

"156.05. *Register*.—The secretary shall keep a register of the names and business addresses of those to whom license is issued, the number and date of each license and renewal. In January of each year he shall supply each licensed embalmer, and transportation companies in the State, with a list of embalmers with business addresses and license numbers.

"156.06. *Fees; blanks*.—The secretary of the board shall keep a record of all fees received, make report thereof at the January and June meetings of the board, and under direction of the board prepare and have printed all blanks required by this chapter.

"156.07. *Penalties*.—(1) Any person violating this chapter or any rule or regulation of the board relating to its subject matter shall be fined not less than \$10 nor more than \$50 or imprisoned not less than ten nor more than sixty days.

"(2) A licensed embalmer who fails to file death certificate and obtain burial permit before interring, depositing in vault or tomb, cremating or otherwise disposing of a corpse, upon being convicted and fined for a second offense, shall have his license at once revoked, and he shall not be relicensed for at least one year and only at a regular examination."

Sewers—Construction and Maintenance of, in Towns. (Ch. 140, Act May 16, 1923)

SECTION 1. Section 60.30 of the statutes is amended to read:

"60.30. The town board, may, whenever they may deem it necessary for the public health, cause a sewer or sewers to be constructed and maintained in any part of the town where an outlet can be obtained into any sewage system and alter or repair any sewer so constructed within the town, and in so doing such work the town board shall proceed in accordance with subsection (12) of section 62.15 and sections 62.18, 62.20, and 62.21, inclusive, so far as the same may be applicable, except that any town may levy a special tax of not more than 3 mills on the dollar of the assessed value of the taxable property in any sewer district for the extension or improvement of the sewer system of such district, and for the purpose of this section the town board shall have and may exercise all the powers conferred by said sections upon the common council and board of public works of cities and may issue bonds against said sewer district in the same man-

ner as provided for the issue of general city bonds for construction of sewers in chapter 67 of the statutes. Any notice therein required shall be given by posting such notice in three public places in said town for two weeks or by publication thereof for two weeks successively in any newspaper in said town."

Plumbing and Drainage—Powers and Duties of State Board of Health Relating to—Local Regulation of. Plumbers—Licensing. (Ch. 448, Act July 14, 1923)

SEC. 27a. A new chapter is added to the statutes, to be numbered and entitled:

CHAPTER 145. PLUMBING

SEC. 28. Subsections 2 and 3 of section 1409a-8, section 1409a-11, subsection 1 of section 1408a-12, and section 1418a, of the statutes, are renumbered and amended to read:

"145.01. *Power of State board of health.*—(1) The State board of health shall supervise plumbing, drainage, sewerage and plumbing ventilation in connection with all buildings in this State and may prescribe minimum standards which shall be uniform.

"(2) The board shall employ plumbing inspectors and other assistants to carry out this chapter.

"145.02. *Local regulation.*—(1) A city of the first, second, or third class having a system of waterworks or sewerage shall, and a village or fourth class city may, by ordinance, prescribe rules and regulations for the materials, construction, alteration and inspection of pipes, tanks, and fixtures by which supply or waste water or sewage is used or carried, and provide that they shall not be placed in any building except in accordance with plans approved by the board of public works, where such board exists, or the board of health or such authority as the board may designate, and that no plumbing shall be done, except repairing leaks, without permit upon prescribed conditions. But no city or village shall require the licensing of plumbers or prohibit plumbers licensed under this chapter from engaging in or working at the business.

"(2) The council of a city of the first, second, or third class having a system of waterworks or sewerage, or the officers or board in charge, shall appoint one or more plumbing inspectors who shall be licensed plumbers, when first appointed, but need not renew their licenses while they continue in office. The council of a city of the fourth class, and the board of a village, may appoint one or more plumbing inspectors who shall be practical plumbers, skilled sanitarians, or competent persons familiar with plumbing. Such inspectors may be removed for cause. They shall inspect all plumbing, new or alterations or repairs, and report to the appointing body violations of regulations, and perform such other appropriate duties as may be required. Their compensation shall be fixed by the council or board.

"(3) Where a system of waterworks or sewerage has been or shall be established in any city, village, or town which has not provided for a board or officer to supervise plumbing, drainage, and sewerage, the board of health shall take immediate and entire control of plumbing, drainage and sewerage intended to be connected with public sewer or waterworks, and exercise all the powers conferred by subsections (1) and (2) of this section until the authorities there named act."

SEC. 29. Subsection 2 of section 1409a-12 of the statutes is repealed and subsection 2 of section 1409a-5, subsection 2 of section 1409a-6, the last sentence of subsection 1 of section 1409a-7, and subsection 5 of section 1409a-9 of the statutes are renumbered and amended to read:

"145.03. *Plumber's license.*—(1) In any city or village of 3,000 or more population and having a system of waterworks or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber, unless licensed so to do by the State board of health. A master plumber may also work as a journeyman.

"(2) In such city or village no person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber is in charge, who shall be responsible for proper installation.

"(3) The State board of health shall prescribe rules and regulations for the examination and licensing of plumbers."

SEC. 30. Subsection 1 of section 1409a-5 of the statutes is renumbered and amended to read:

"145.04. *Definition.*—(1) A journeyman plumber is any person other than a master plumber, who, as his principal occupation, is engaged in the practical installation of plumbing.

"(2) A master plumber is any person skilled in the planning, superintending, and the practical installation of plumbing and familiar with the laws, rules, and regulations governing the same.

"(3) A plumber's apprentice is any person other than a journeyman or master plumber who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing and drainage."

SEC. 31. The first two sentences of subsection 1 and subsection 2 of section 1409a-7 of the statutes are renumbered and amended to read:

"145.05. *Examiners.*—The State board of health shall appoint three plumbing examiners, of whom one shall be a practical master plumber, one a practical journeyman plumber, and one a member or employee of the board to be known as the plumbing examiners, and who shall be exempt from chapter 16 of the statutes. Each examiner, except a regular employee or the secretary of the board, shall receive \$10 and expenses for each day actually engaged."

SEC. 32. Subsection 3 of section 1409a-5, subsection 1 of section 1409a-6, subsection 3 of section 1409a-7, subsection 1 of section 1409a-8, and subsections 1, 2, 4, 6, and 9, of section 1409a-9, are consolidated, renumbered, and revised to read:

"145.06. *Obtaining license.*—(1) Application for plumber's license must be made to the State board of health, with fees. Unless the applicant is entitled to a renewal, he shall be licensed only after passing a satisfactory examination showing fitness. Fees for journeymen shall be \$2 for examination and \$1 for renewal; and for master plumber \$25 for examination and \$15 for renewal. Licenses expire December 31, but may be renewed upon application made the following January or February, but if in February only upon payment of an additional fee of \$1 for a journeyman and \$5 for a master plumber.

"(2) The board may license without examination, upon the payment of the required fee, applicants licensed under the laws of other States having requirements for licensing and regulating plumbing which the board determines are equivalent to the requirements of this State."

SEC. 33. Subsections 7 and 8 of section 1409a-9 of the statutes are renumbered, consolidated, and revised to read:

"145.07. *Temporary permits.*—The board may issue temporary revocable permits pending examination, and to assist in this may appoint agents without compensation, and may authorize one of its examiners or plumbing inspectors to hold a special permit examination, the results to be reported in writing."

SEC. 34. Subsection 4 of section 1409a-7 is renumbered and amended to read:

"145.08. *Revocation.*—The board may revoke any license obtained through error or fraud, or if the licensee is shown to be incompetent, and for a second willful violation of any of its rules and regulations. The licensee shall have notice in writing enumerating the charges, a hearing by the board upon at least five days' notice, and right to produce testimony. The board may appoint, in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the board shall be based on the testimony and records. One year from the date of revocation, application may be made for a new license."

SEC. 35. Section 1409a-10 of the statutes is renumbered and amended to read:

"145.09. *Penalties.*—(1) Any person who shall work as a master or journeyman plumber for compensation without permit or license shall be fined not less than \$10 nor more than \$50, or imprisoned in the county jail not more than thirty days. Each day of violation shall be a separate offense.

"(2) Any person who shall do an act prohibited in this chapter or fail to perform a duty lawfully enjoined within the time prescribed, or fail to obey a lawful order of the State board of health, or a judgment or decree of court in connection with said section, shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding \$100.

"(3) Any master plumber who shall employ an apprentice on plumbing representing him to be a journeyman, or who shall charge for an apprentice a journeyman's wage, shall be punished by fine of not more than \$25 or by imprisonment in the county jail not more than thirty days. Each day of violation shall be a separate offense."

Buildings—Razing or Removal of, or Correction of Improper Conditions in, when Unsafe, Insanitary, or Unfit for Human Habitation. (Ch. 141, Act May 16, 1923)

SECTION 1. Subsection (5) of section 66.05 of the statutes is amended to read: "66.05. (5) (a) The inspector of buildings in every city of the first and second class may order the owner of premises upon which is located any building within such city which in the judgment of the inspector is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation, and so that it would be unreasonable to repair the same, to raze and remove such building or if it can be made safe by repairs, to repair and make safe and sanitary or to raze or remove at the owner's option. The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner or his agent where an agent is in charge of the building in the manner provided for service of a summons in the circuit court. If the owner is a nonresident of the State, the order may be served by posting it on the building and by publishing it in the official newspapers of the city for two consecutive days at least ten days before the time limited in order commences to run.

"(b) If the owner shall fail or refuse to comply within the time prescribed, the inspector of buildings shall cause such building to be razed, removed, or closed if unfit for human habitation, either through any available public agency or by contract or arrangement with private persons. The cost of such razing or removal shall be charged against the property upon which such building is located and shall be a lien upon such property, and shall be assessed and collected as a special tax. If the building is insanitary and unfit for human habitation and is not in danger of structural collapse the building inspector shall post a placard on the premises containing the following words: 'This building can not be used for human habitation.' And it shall be the duty of the building inspector to prohibit the use of the building for human habitation until the necessary repairs have been made. Any person, firm, or corporation who shall rent, lease, or occupy a building which has been condemned for human habitation shall be liable to a fine of not less than \$5 nor more than \$50 for each week of such violation."

Barbers—Licensing. Barber Shops—Inspection—Sanitary Regulation. (Ch. 448, Act July 14, 1923)

SEC. 112a. A new chapter of the statutes is created, to be numbered and entitled:

CHAPTER 158. BARBERS

SEC. 113. Section 1636-18 of the statutes is renumbered to be section 158.01 and is amended to read:

"158.01. *Definition.*—Barbering is shaving, trimming the beard, cutting the hair, shampooing, scalp, or face massage of a male over the age of 10 years, for payment."

SEC. 114. Section 1636-20, the first two sentences of section 1636-27, the last four sentences of section 1636-22, and subsection 4 of section 1636-26 of the statutes are renumbered and amended to read:

"158.02. *Regulation.*—The State board of health shall prescribe and enforce rules and regulations for the examination and licensing of barbers, for the sanitary regulation of barber shops, and may enter a barber shop during business hours for inspection. If a shop be found insanitary or if a barber working therein has been charged with imparting a communicable disease, the board shall immediately notify the local health officer and the shop shall be quarantined, and the barber so charged shall not practice until the quarantine is removed. Upon complaint that a barber shop is in an insanitary condition or that a communicable disease has been imparted, the board shall investigate and enforce this chapter. The board shall furnish a copy of this chapter to anyone upon request, and may charge only such fees as are in this chapter specifically provided, which shall be paid to the secretary. The board shall keep a register of all licensed apprentices, journeymen, and master barbers, open to public inspection. The board shall keep a record of its proceedings, shall show whether an applicant

was licensed or rejected, and such records shall be prima facie evidence of the facts recorded. The fiscal year shall close on June 30, and the board shall file with the governor annually in July an itemized report of receipts and expenditures and of its proceedings."

SEC. 115. Section 1636-28 of the statutes is renumbered to be section 158.03 and amended to read:

"158.03. *Practice*.—No person shall practice barbering without license."

SEC. 116. Section 1636-19 of the statutes is renumbered to be section 158.04 and amended to read:

"158.04. *Examiners*.—The State board of health shall appoint three barbers, each of whom shall have been engaged in barbering for at least five years in this State, as examiners. They shall be exempt from civil service."

* * * * *

SEC. 122. The last three sentences of section 1636-27 of the statutes are renumbered to be section 158.10 and amended to read:

"158.10. *Revocation*.—The board may revoke a license for * * * (c) having imparted a communicable disease, (d) violation of the sanitary rules * * *. The holder shall have notice in writing of the charge, a public hearing upon at least five days' written notice, opportunity to present testimony, and to confront witnesses. After ninety days he may apply to have his license regranted and this shall be done upon satisfactory proof that the disqualification is removed."

SEC. 123. Subsection 3 of section 1636-26 and section 1636-29 of the statutes are consolidated and renumbered to be section 158.11 and amended to read:

"158.11. *Penalty*.—* * * anyone who shall practice barbering without a license, employ an unlicensed barber knowing the fact, falsely pretend to be licensed, or violate a sanitary rule shall be fined not less than \$10 nor more than \$100, or imprisoned not less than ten nor more than ninety days, or both."

Beauty Parlors—Inspection—Sanitary Regulation—Licensing of Apprentices, Operators, and Managers. (Ch. 448, Act July 14, 1923)

SEC. 123a. A new chapter is added to the statutes to be numbered and entitled:

CHAPTER 159. BEAUTY PARLORS

SEC. 124. The last sentence of subsection 4, subsection 5 except the first sentence, and subsections 3, 10, and 12 of section 1636-30 of the statutes are consolidated, renumbered, and revised to read:

"159.01. *Regulation*.—Section 158.02 shall apply to beauty parlors. The State board of health shall appoint a woman inspector who shall devote her whole time to inspecting beauty parlors and such other duties as the board assigns. The total expenditures of the board to carry out this chapter shall not exceed the amount collected and deposited as provided in subsection (12) of section 20.43."

SEC. 125. Subsections 1 and 13 of section 1636-30 of the statutes are consolidated, renumbered to be section 159.02 and revised to read:

"159.02. *Practice*.—No person shall follow the occupation of beauty-parlor manager, operator, or apprentice without license."

SEC. 126. Subsection 2, subsection 4 except the last sentence, and the first sentence of subsection 5 of section 1636-30 of the statutes are consolidated and renumbered to be section 159.03 and amended to read:

"159.03. *Examiners*.—The State board of health shall appoint and have power to remove three competent examiners, to conduct examinations under this chapter, each of whom shall have had at least five years' experience as manager of a beauty parlor. They shall be exempt from civil service. Each shall receive \$10 for each day actually engaged and actual and necessary expenses. Claims shall show the actual number of hours of service for each day, and no more than \$10 shall be allowed for services during any one calendar day. Regular examinations shall be held four times a year and special examinations may be held at any time."

SEC. 127. Subsections 7 and 11 of section of 1636-30 of the statutes are repealed.

SEC. 128. Subsections 6, 8, and 9 of section 1636-30 of the statutes are consolidated and renumbered to be section 159.04 and amended to read:

"159.04. *Licenses*.—Apprentices in beauty parlors may be licensed upon application without charge. They shall practice for six months under the supervision of a licensed manager before they shall be eligible to be licensed as operators. Upon proof of having so practiced and upon payment of \$2 an operator's license

may be issued. An operator may be licensed as a manager after serving one year as an operator under a licensed manager, if she have education equivalent to the eighth grade, passes examination, and pays \$15. Operator's and manager's licenses expire December 31 after issued and may for cause be revoked. The holder shall, on or before January 1 in each year, apply for renewal and pay \$2 for operator's license and \$10 for manager's license, and thereupon the board shall issue license for that year."

Sec. 129. Subsection 14 of section 1636-30 of the statutes is renumbered to be section 159.05 and amended to read:

"159.05. *Penalty.*—Any person who shall act as beauty-parlor manager, operator, or apprentice without license, employ such knowing the fact, falsely pretend to be licensed, or violate any sanitary rules of the board shall be fined not less \$10 nor more than \$100, or imprisoned not less than ten nor more than ninety days, or both."

Act Correcting Errors in 1923 Acts and Repealing, Reenacting, Renumbering, and Amending Sections of the Statutes. (Ch. 449, Act July 14, 1923)

Sec. 6. Paragraphs (c) and (d) of subsection (5) of section 66.05 of the statutes are reenacted and continued, it not being the intent of chapter 141, Laws of 1923, to affect those paragraphs.

* * * * *
 Sec. 9a. Sections 94.12 and * * *, statutes, are repealed.
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Sec. 11. Subsection (5) of section 143.07 is amended by striking out the words "the State or any deputy State health officer" and by inserting in place thereof the words "an officer of the State board of health."

Sec. 12. Subsection (7) of section 143.07 is amended by adding at the end thereof the following: "When a physician has reported a reported a case of venereal disease to the State board of health, in compliance with subsection (4) of this section, all questions regarding the presence of the disease and the date from which the treatment was neglected shall not be regarded as privileged information when the patient or physician is called upon to testify to the facts before any court of record."

Sec. 13. Subsection (13) of section 143.07 is renumbered to be section 143.09, "Penalty," and is amended by striking out the words "this section" and by inserting in place thereof the following: "section 143.07 or 143.08."

Sec. 14. Subsection (1) of section 146.02 is amended to read:

"146.02. (1) Subsections (1) to (22) of this section shall be known and may be cited as the 'State narcotic law.' No person except those licensed in classes I or II of act of Congress approved April 12, 1917, shall sell, furnish, or deliver any cocaine, opium, morphine, heroin, alpha or beta eucaine, or any salt or combination of the same, or any mixture, preparation, or compound containing any cocaine, or more than 2 grains of opium, 1 grain of codeine, one-fourth grain of morphine, one-eighth grain of heroin, one-eighth grain of alpha or beta eucaine in 1 ounce fluid or avoirdupois ounce except upon the original prescription of an authorized practitioner of medicine, dentistry, or veterinary medicine, for a person or animal under his treatment, which prescription shall contain the signature of the prescriber and the name of the person for whom prescribed, and if a veterinary prescription, also the kind of animal. It shall be dated and kept on file by the dispenser for two years, and shall not be again filled except upon order from the prescriber."

Sec. 15. The last two sentences of subsection (2) of section 146.02 are renumbered to be subsection (21) of section 146.02 and subsections (3), (4), (5), (6), and (7) of section 146.02 are renumbered to be, respectively, subsections (22), (23), (24), (25), (26) of section 146.02.

Sec. 16. Subsection (8) of section 146.02 is repealed.

Sec. 17. A new subsection is added to section 146.02 to be numbered and to read:

"146.02. (29) It shall be the duty of the police and sheriffs throughout the State and members of the State board of pharmacy to enforce the provisions of section 146.02; and it shall be the duty of the district attorney in each county to prosecute violations thereof on complaint or on knowledge of such violations."

* * * * *
 Sec. 24. Subsection 15 of section 1417m, created by chapter 112, Laws of 1923, is reenacted and renumbered to be section 143.08, "Handling Foods," and

is amended by striking out the following: "Subsection 11 of section 1417m of the statutes," and by inserting in place thereof the following: "Section 143.09."

Sec. 25. Subsections 3 to 20 of section 1419, created by chapter 392 (bill 139-S) of the Laws of 1923, are reenacted and renumbered to be, respectively, subsections (3) to (20) of section 146.02.

Sec. 26. Section 1419b, created by chapter 392 (bill 139-S) of the Laws of 1923, is renumbered to be subsection (27) of section 146.02 and is amended by striking out the word "and" before the number "13" and by inserting after the number "13" the following: "(23), (24), (25), and (26)," and by striking out the following: "1419, or section 1419a" and by inserting in place thereof "146.02" and by striking from the last sentence the reference "section 1419" and by inserting in place thereof "this section."

Sec. 27. Paragraphs (d), (e), and (f) of subsection (7) of section 1492ab, as created by chapter 442 (Bill No. 782-A) of the Laws of 1923, are renumbered to be, respectively, subsections (6), (7), and (8) of section 94.07; section 1492ab-4, created by chapter 442 (Bill No. 782-A) is renumbered to be section 94.065 "Removing Cattle from Stockyards"; and section 1492b-8, as amended by chapter 442 (Bill No. 782-A), is renumbered to be section 94.27.

Sec. 48. Section 38 of chapter 448 (bill 9-S) of the Laws of 1923 is struck out and the following section is inserted in its place:

"Sec. 38. Section 1420 of the statutes is renumbered to be subsection (28) of section 146.02 and is amended to read:

"146.02. (28) No practicing physician or surgeon shall write or cause to be written any narcotic prescription or recipe except in ink and in characters, figures, or ciphers in the English or Latin language, generally in use among medical practitioners, and for every violation hereof the offender shall forfeit not less than \$5 nor more than \$25."

WYOMING

Communicable Diseases—Reports of Cases—Terms Defined—Placarding—Sale of Milk and Other Food—School Attendance—Isolation—Quarantine—Disinfection—Control Measures for Specific Diseases. Industrial Diseases—Reports of Cases. (Reg. Bd. of H., June 18, 1923)

RULE 1. The following-named diseases and disabilities are hereby declared to be dangerous to public health and made notifiable, and the occurrence of cases shall be reported as herein provided:

Group 1. Communicable diseases.—Actinomycosis, anthrax, botulism, chancre, chicken pox, cholera (Asiatic), conjunctivitis (acute infectious), dengue, diphtheria, dysentery (amebic), dysentery (bacillary), erysipelas, favus, filariasis, foot-and-mouth disease, German measles, glanders, gonorrhea, hookworm disease, impetigo, influenza, leprosy, lethargic encephalitis, malaria, Malta fever, measles, meningitis (epidemic cerebrospinal), mumps, paratyphoid fever, plague, pneumonia, poliomyelitis (acute infectious), rabies, Rocky Mountain spotted or tick fever, scarlet fever, septic sore throat, smallpox, syphilis, tetanus, trachoma, trichinosis, tuberculosis (the organ or part affected in each case to be specified), tularaemia, typhoid fever, typhus fever, Vincent's angina, whooping cough, yellow fever.

Group 2. Occupational diseases and injuries.—Arsenic poisoning, bisulphide of carbon poisoning, brass poisoning, carbon monoxide poisoning, caisson disease (compressed-air illness), dinitrobenzine poisoning, lead poisoning, mercury poisoning, natural-gas poisoning, naphtha poisoning, phosphorus poisoning, wood alcohol poisoning.

Any other disease or disability contracted as a result of the nature of the person's employment.

Group 3. Miscellaneous diseases.—Beriberi, cancer, continued fever lasting seven days, drug addictions or habits, food poisoning, pellagra, puerperal septicemia.

Provided, That the State health officer may from time to time, in his discretion, declare additional diseases notifiable and subject to the provisions of these regulations.

Certain words and terms defined.—"Contact" shall mean and include any person who has been sufficiently near to an infected person to make probable transmission of the infectious disease to him.

"Carrier" shall mean and include a person who harbors the infectious agent of a communicable disease but who at the time is apparently in good health.

"Infectious agent" shall mean and include a virus or organism capable, under favorable conditions, of producing disease.

"Immune" shall be held to mean and include a person who is not susceptible to the infectious agent of a particular disease.

"Isolation." By isolation is meant the separating of persons suffering from a communicable disease or carriers of the infecting organism from other persons in such places and under such conditions as will prevent direct or indirect conveyance of the infectious agent to other persons.

"Quarantine." By quarantine is meant the restriction of movement of persons or animals who have been exposed to communicable diseases for a period of time equal to the incubation period of the disease to which they have been exposed.

"Communicable disease" shall mean and include a disease which may be transmitted direct or indirect to other persons or animals. It shall embrace the terms infectious and contagious disease.

"Disinfection." By this is meant the destroying of the vitality of disease-producing microorganisms by chemical or physical means.

"Concurrent disinfection" shall mean the immediate disinfection or destruction of body discharges and the immediate disinfection or destruction of all infected, or presumably infected, material.

"Terminal disinfection" shall mean the process of rendering the personal clothing and immediate physical environment of the patient free from the possibility of conveying infection to others at the time that the patient is no longer a source of infection.

RULE 2. Reporting cases.—It shall be the duty of every physician in attendance upon a case of reportable disease to report the same immediately to the local health officer within whose jurisdiction such case occurs, giving the full name, address, age, sex, color, nationality, occupation, school attended, if any, place of employment, name of employer, number of adults and children in the household, number exposed, source of infection, probable origin, and name of attending physician: *Provided*, That in cases of venereal diseases the name and address of the patient shall be omitted, then the special form required for this class of diseases must be used in reporting.

RULE 3. Reporting when no physician is in attendance.—Superintendents or persons in charge of hospitals, sanitariums, dispensaries, schools, public, private, or parochial, or other institutions, nurses, midwives, teachers, dairy managers, heads of private households and proprietors and keepers of hospitals [hotels?], boarding houses, restaurants, lodging houses, or any other person or persons either treating or having knowledge of a reportable disease shall be required to report such disease coming under their observation when no physician is in attendance.

RULE 4. How they shall report.—All reports of notifiable diseases shall be made immediately after making a diagnosis or suspecting the disease to be one required to be reported, upon blank forms furnished by the department of public health for this purpose, unless the disease is, or suspected to be, cholera, diphtheria, plague, smallpox, scarlet fever, yellow fever, or epidemic influenza; then the person making the report shall, in addition to the written report, give immediate notice of the case to the local health officer in whose jurisdiction the case occurs in the most expeditious manner available.

RULE 5. If the disease reported is one requiring a placard, it shall be the duty of the local health officer to post a notice in some conspicuous place upon the premises occupied by the infected person which shall bear the following inscription:

WARNING!

COMMUNICABLE DISEASE WITHIN

No person, other than the health officer, his agent, or the professional attendant, shall enter or leave these premises, nor shall anyone remove, mutilate, or deface this placard, without permission from the health officer.

(Signed)

Health Officer.

Approved by State board of health.

G. M. ANDERSON, M. D.,
State Health Officer.

Said notice shall be printed on white cardboard or substantial white paper of a size not less than 12 by 18 inches.

RULE 6. Cases or carriers in dairies.—When a person living on a farm, dairy, or in any other establishment where milk or its products or other foods are handled for sale shall be known or suspected to be infected with or a carrier of a communicable disease, no food shall be sold, delivered or distributed from such farm, dairy or other establishment unless authorized in writing by the health officer having jurisdiction; and said health officer shall refuse such authorization unless said case or carrier be under efficient supervision and isolated in such manner as to be completely separated from any other person or persons who may be handling such foods or dairy products.

RULE 7. It shall be the duty of all teachers, principals, superintendents, or other persons in charge of any public, private, or parochial school to exclude from such school any pupil suffering from a communicable disease, or a carrier of a communicable disease, until such person furnishes a certificate from a licensed physician stating that such infected person or carrier is no longer a menace to the public health.

RULE 8. Special measures for the control of communicable diseases.—The following rules are prescribed for the guidance of local health officers and other persons in the control of communicable diseases, and they shall, in general, govern said health officers and other persons in the control of each disease, together with the provisions of the preceding regulations.

Actinomycosis—Methods of control.—1. No placard.

2. Isolation. None, provided that the patient is under adequate control and instructions are properly carried out; otherwise, he shall be isolated until all discharges have ceased.

3. Quarantine. None.
 4. Immunization. None.
 5. Concurrent disinfection of discharges from lesions, and of articles soiled therewith.

6. Terminal disinfection by thorough cleansing.
 7. General measures. Report by local health officer of infected animals, carcasses or parts of carcasses to the State veterinarian.

Acute infectious conjunctivitis—Methods of control.—1. No placard.

2. Isolation. Exclusion from school until discharges have ceased.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of the conjunctival discharges, and of articles soiled therewith.

6. Terminal disinfection—by thorough cleansing.

7. General measures. (1) Enforcement of regulations forbidding the use of common towels and toilet articles. (2) Use of silver nitrate or argyrol in the eyes of the newborn.

Anthrax.—1. No placard.

2. Isolation of the infected individual until the lesions have healed.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of the discharges from the lesions, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. Report by local health officer of infected animals, carcasses, or parts of carcasses, to the State veterinary surgeon.

Angina, Vincent's—Methods of control.—1. No placard.

2. Isolation of the infected person until lesions are healed.

3. Immunization. None.

4. Quarantine. None.

5. Concurrent disinfection of discharges from lesions and articles soiled by discharges.

6. Terminal disinfection. Thorough cleansing.

Botulism—Methods of control.—1. No placard.

2. Isolation. None.

3. Quarantine. None.

4. Immunization in exposed cases by large doses of polyvalent botulism antitoxin used intravenously.

5. General measures. Greater care in preserving and handling nitrogenous food stuffs. Heat must be sufficient and must penetrate throughout the mass; also the cooking must be recent for the spores develop well in cooked food.

Chancroid.—1. No placard. Only when necessary, when patient is refusing treatment and violating instructions of attendant or health officer.

2. Isolation. None.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection. The patient shall be instructed by his physician in the measures necessary to protect the public.

6. Terminal disinfection. None.

7. General Measures. The local health officer shall furnish every physician reporting a case of chancroid with a copy of the written instructions provided by the State department of health, which shall be given by the physician to the infected person. Physicians should be instructed to refer all cases not able to afford the expense of a complete cure to the nearest free venereal disease clinic or to county health officer or county physician.

Cerebrospinal meningitis (epidemic)—Methods of control.—1. Placard required.
 2. Isolation of the infected person or carrier until the nasopharynx is free from the infectious agent as demonstrated by laboratory test, where such facilities are available, or for two weeks from date of onset, or until the temperature has been normal for one week.

3. Quarantine of contacts until demonstrated not to be carriers, where laboratory facilities are available, or for 10 days from date of last exposure.

4. Immunization. None.

5. Concurrent disinfection of discharges from the nose and mouth, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. (a) Search for carriers among families and associates of recognized cases, by bacteriological examination of posterior nares of all contacts.

(b) Education of the public as to personal cleanliness, the necessity of avoiding overcrowding in living quarters, public conveyances, working establishments, and places of public assembly, and as to the necessity of adequate ventilation.

Chicken pox—Methods of control.—1. Placard required.

2. Isolation. Exclusion of the infected person from school and prevention of contact with nonimmune persons until desquamation is complete.

3. Quarantine of nonimmune minors for fourteen days from date of last exposure.

4. Immunization. None.

5. Concurrent disinfection of discharges from the nose, throat, and lesions, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. Every adult case of chicken pox shall be investigated as to the history of successful vaccination against smallpox.

Diphtheria—Methods of control.—1. Placard required.

2. Recognition of the disease. By clinical symptoms with confirmation by bacteriological examination of discharges.

3. Isolation. Until two cultures from the throat and two from the nose, taken not less than twenty-four hours apart, fail to show the presence of diphtheria bacilli. Isolation may be terminated if persistent diphtheria bacilli prove avirulent. Where termination by culture is impracticable cases may be terminated with fair safety as a rule twenty-one days after onset of the disease.

4. Immunization. Exposed susceptibles to be promptly immunized by antitoxin. (By susceptibles is meant such individuals as are found to be nonimmune by the Schick test, i. e., those who give a positive reaction).

5. Quarantine. All exposed persons until shown by bacteriological examination not to be carriers.

6. Concurrent disinfection of all articles which have been in contact with the patient and all articles soiled by discharges from the patient.

7. Terminal disinfection. At the end of the illness, thorough airing and sunning of the sick room, with cleaning or renovation.

8. General measures—

a. Pasteurization of milk supply.

b. Application of the Schick test to all contacts, and immunization of all susceptibles.

c. Application of the Schick test to all children.

d. Immunization by toxin-antitoxin inoculation of all susceptibles.

e. Determination of presence or absence of carriers among contacts, and so far as practicable, in the community at large.

Dysentery (amebic)—Methods of control.—1. No placard.

2. Isolation. None, provided that the infected person is under adequate medical supervision.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of the bowel discharges and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. (a) Instruction of the public as to the necessity of boiling drinking water if not properly protected, and in the danger of handling of foods, for persons, other than the patient, by the attendant.

(b) Supervision and control of water and food supplies and of sewage disposal.

Dysentery (bacillary)—Methods of control.—1. No placard.

2. Isolation of the infected person or carrier in a screened room as long as the infectious organism is found in the stools: *Provided*, That, where laboratory facilities are not available, the patient shall be isolated for not less than fifteen days from the date of onset.

3. Quarantine. None.

4. Immunization. Vaccination may be offered.

5. Concurrent disinfection of the bowel discharges, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. (a) Instruction of attendants in rigid personal cleanliness and prohibition of the handling of food, for persons other than the patient, by the attendant.

- (b) Supervision and control of water, milk, and food supplies.
- (c) Proper sewage disposal and destruction of flies.
- Encephalitis, lethargic—Methods of control.*—1. No placard.
- 2. Isolation until termination of disease.
- 3. Immunization. None.
- 4. Quarantine. None.
- 5. Infective agent held to be a filterable virus existing in the spinal fluid and nasopharyngeal secretions.
- 6. Source of infection. Nose and throat secretions.
- Erysipelas—Methods of control.*—1. No placard.
- 2. Isolation until the process is ended.
- 3. Immunization. None.
- 4. Quarantine. None.
- 5. Concurrent disinfection. All contaminated articles must be boiled or disinfected.
- 6. Terminal disinfection. Thorough cleansing and airing of room and its contents.
- 7. General measures. Physicians in attendance upon a case of erysipelas should abstain from obstetrical service.
- Favus—Methods of control.*—1. No placard.
- 2. Isolation. Exclusion of the infected person from school and from other public places until the lesions have healed.
- 3. Quarantine. None.
- 4. Immunization. None.
- 5. Concurrent disinfection of the toilet articles used by the infected person.
- 6. Terminal disinfection. None.
- 7. General measures. Instruction to contacts in personal cleanliness, and advice to the infected person as to the necessity for adequate and intensive treatment at a proper institution in order to abbreviate the period of communicability.
- Warning of children against the practice of wearing other persons' hats.*
- German measles—Methods of control.*—1. Placard required.
- 2. Isolation. Exclusion of the infected person from school and from other public places and from contact with nonimmune persons, for eight days from date of onset.
- 3. Quarantine of nonimmune minor contacts for twenty-one days from date of last exposure.
- 4. Immunization. None.
- 5. Concurrent disinfection of the discharges from the nose and throat, and of articles soiled therewith.
- 6. Terminal disinfection. Airing and cleaning.

NOTE.—The reason for attempting to control this disease is that it may be confused with scarlet fever during its early stages; each person having symptoms of the disease should therefore be placed under the care of a physician and the case should be reported to the local department of health.

Gonococcus infection—Methods of control.—1. No placard, except when patient violates directions of health officer and professional attendant.

- 2. Isolation. None.
- 3. Quarantine. None.
- 4. Immunization. None.
- 5. Concurrent disinfection. The patient shall be instructed by his physician in the measures necessary to protect the public.
- 6. Terminal disinfection. None.
- 7. General measures. The local health officer shall furnish every physician reporting a case of gonococcus infection with a copy of the written instructions provided by the State department of health, which shall be given by the physician to the infected person. Physicians should be instructed to refer all cases not able to afford the expense of a complete cure to the nearest free venereal disease clinic or to county health officer.

Glanders—Methods of control.—1. No placard.

- 2. Isolation of the infected person during the clinical course of the disease and until discharges have ceased.
- 3. Immunization. None.
- 4. Quarantine. None.
- 5. Concurrent disinfection of the discharges, and of articles soiled therewith.
- 6. Terminal disinfection to be practiced.
- 7. General measures. Report by local health officer of infected animals, carcasses, or parts of carcasses to the State veterinarian.

Hookworm—Methods of control.—1. No placard.

2. Isolation. None.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection. Sanitary disposal of the stools of the infected person.

6. Terminal disinfection. None.

7. General measures. (a) Search for infected persons and their proper treatment.

(b) Sanitary disposal of all human excreta.

(c) Wearing of shoes, at all times, in infested areas.

Impetigo—Methods of control.—1. No placard.

2. Isolation. Separation of the patient from other children and exclusion of the patient from school and public places.

3. Quarantine. None.

4. Terminal disinfection. None.

Influenza—Methods of control.—1. Placard required.

2. Isolation of the infected person during the acute catarrhal stage or a complicating pneumonia, until the temperature has remained normal for five days.

3. Quarantine of the exposed members of the household for four days from date of last exposure.

4. Immunization. None.

5. Concurrent disinfection of discharges from the nose, throat, and bowels, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing.

7. General measures. Education of the public in personal cleanliness; in the dangers of overcrowding in public gatherings, on conveyances, and at home; as to the dangers of using common cups, spoons, and forks; and in the necessity of avoiding contact with persons having coughs and colds.

Leptosy—Methods of control.—1. Placard required.

2. Isolation of the infected individual during the course of the disease, in an institution where possible.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of discharges from the lesions and of articles soiled therewith.

6. Terminal disinfection to be practiced.

7. General measures. Education of the public, and of persons exposed, in personal cleanliness.

Malaria—Methods of control.—1. No placard.

2. Isolation. Exclusion of the infected person from the approach of mosquitoes until his blood is free from the malarial parasites.

3. Quarantine. None.

4. Immunization. The prophylactic use of quinine by exposed persons shall be offered.

5. Concurrent disinfection. Destruction of any mosquitoes that may gain entrance to the sick room.

6. Terminal disinfection. None.

7. Fumigation, with sulphur or cyanide gas, to destroy any mosquitoes that may have gained entrance to the sick room.

8. General measures. (a) Employment of known measures for the destruction of the larvae of, and prevention of breeding of, Anopheline mosquitoes, where such are prevalent.

(b) Examination of individuals living in infected centers, to determine the incidence of infection, and distribution of free quinine for curative and prophylactic purposes.

(c) Education of the general public in the prevention of Anopheles breeding, screening of sleeping and living quarters, destruction of mosquitoes, and the prophylactic use of quinine.

(d) Intensive use of quinine by human carriers during the winter months.

Measles—Methods of control.—1. Placard required.

2. Isolation of the infected person for five days from the date of onset.

3. Quarantine. Exclusion of nonimmune contacts from school, from public gatherings, and from contact with children, for fifteen days from the date of last exposure.

4. Immunization. None.
5. Concurrent disinfection of discharges from the nose and throat, and of articles soiled therewith.
6. Terminal disinfection. Thorough airing and cleansing.
7. General measures. (a) Education of the public as to the dangers of exposing children to those exhibiting catarrhal symptoms of any kind.
- (b) Daily examination of school children, when disease is prevalent, and exclusion of any child exhibiting a rise of temperature of 0.5° C. or suspicious catarrhal symptoms, or any eruption on the palate or buccal membranes.
- (c) The board of health is of the opinion that after the appearance of the rash all the damage of spreading measles has been done and if professional attendants and health officers would advise and perform routine physical examination of contacts at about ten days after exposures, and where examination shows that the catarrhal symptoms are beginning, then such contacts could be isolated prior to eruption.

Mumps—Methods of control.—1. Placard required.

2. Isolation of the infected person from children, and exclusion of the patient from school and from other public places, until the parotid and submaxillary glands are free from inflammation and the temperature is normal.
3. Quarantine. Exclusion of nonimmune contacts from school, from public gatherings, and from contact with children, for twenty-one days from date of last exposure.
4. Immunization. None.
5. Concurrent disinfection of the discharges from the nose and mouth and of articles soiled therewith.
6. Terminal disinfection. Thorough cleansing.
7. General measures. None.

Pneumonia, acute lobar—Methods of control.—1. Placard required.

2. Isolation of the infected individual during the clinical course of the disease.
3. Quarantine. None.
4. Immunization. None.
5. Concurrent disinfection of discharges from the nose and throat, and of articles soiled therewith.
6. Terminal disinfection. Thorough cleaning and airing.
7. General measures. Education of the public in the need of avoiding overcrowding, especially in living quarters, and for keeping up the general resistance of the body by good feeding, temperance in the use of alcoholic beverages, avoiding unnecessary exposure and practicing other hygienic measures.

Plague—Methods of control.—1. Placard required.

2. Isolation of the infected individual, in a hospital if practicable, during the clinical course of the disease and until all discharges have ceased.
3. Quarantine of those in contact with pneumonic cases for seven days from date of last exposure.
4. Immunization. Passive immunization, with serum, of known exposed contacts and active immunization by vaccination of those who may be contacts, may be offered.
5. Concurrent disinfection of all discharges, and of articles soiled therewith.
6. Terminal disinfection to be practiced.
7. Fumigation with sulphur or cyanide gas for the destruction of fleas and rats.
8. General measures. (a) General extermination of rats in infected districts by known methods for their destruction.
- (b) Examination of rats, ground squirrels, etc., in districts where the infection persists, for evidence of endemic or epidemic prevalence of the disease among them.
- (c) Supervision of autopsies of all deaths during epidemics.
- (d) Supervision of the disposal of all persons dead of the disease.
- (e) Systematic search, by medical inspectors, for unreported or unrecognized cases.

Rocky Mountain spotted fever—Methods of control.—1. No placard.

2. Isolation. None, other than care exercised to protect patients from tick bites when in endemic area.
3. Quarantine. None.
4. Immunization. None.
5. Concurrent disinfection. Destruction of ticks upon the infected person or upon clothing worn by him.
6. Terminal disinfection. Thorough cleansing.

7. General measures—

1. Personal prophylaxis of persons entering the infected zones during the season of ticks, by wearing tick-proof clothing, and careful daily search of the body for ticks which may have attached themselves.

2. The destruction of ticks by clearing and burning vegetation on the land in infected zones.

3. The destruction of ticks on domestic animals by dipping, and the pasturing of sheep on tick-infested areas where the disease is prevalent, with the object of diminishing the number of ticks.

4. The destruction of small mammalian hosts as ground squirrels, chipmunks, etc.

Scarlet fever—Methods of control.—1. Placard required.

2. Period of communicability. Four weeks from the onset of the disease, or until all abnormal discharges have ceased and all open sores have healed.

3. Isolation. In home or hospital, maintained in each case until the end of the period of infectivity.

4. Immunization. None.

5. Quarantine. Exclusion from school of all children from the same household, except as hereinafter provided. Children who have been exposed to scarlet fever, but who are supposedly immune by reason of a previous attack of the disease, may be removed, by permission of the local health officer, to an uninfected house in which there are no children, and there isolated for one week. If within this time the disease does not develop, after thorough disinfection of person and clothing, they may be released and be permitted to return to school.

Heads of families and adult wage earners may be permitted, after disinfection, to engage in their usual occupations, provided they do not come in contact in any way with the patient. Exception to this rule must be made in the case of postal employees, teachers in public or private schools, those employed in connection with dairies and the sale of foodstuffs, and all others, the nature of whose occupation would render them especially liable to convey the infection.

6. Concurrent disinfection of all articles which have been in contact with a patient and all articles contaminated with discharges from the patient.

7. Terminal disinfection. Thorough cleansing.

8. General measures—

a. Daily examination of exposed children and of other possibly exposed persons for a week after last exposure.

b. Schools should not be closed where daily observation of the children by a physician or nurse can be provided for.

c. Education as to special danger of exposing young children to those exhibiting acute catarrhal symptoms of any kind.

d. Pasteurization of milk supply.

NOTE.—Desquamation is not to be regarded as a criterion of infectivity. In the light of present knowledge it is believed that the scales resulting from desquamation of the skin are dangerous only by becoming infected from contact with secretions and discharges mentioned above. Attention is called to the fact that some of the most extensive epidemics known have been caused by the dissemination of the infection through dairies. Many mild cases become noninfective in a much less time than four weeks, and when this condition is reached they may be released.

Septic sore throat—Methods of control.—1. Placard required.

2. Isolation. During the clinical course of the disease and convalescence, and particularly exclusion of the patient from participation in the production or handling of milk or milk products.

3. Immunization. None.

4. Quarantine. None.

5. Concurrent disinfection. Articles soiled with discharges from the nose and throat of the patient.

6. Terminal disinfection. Thorough cleansing.

7. Methods of control—

1. Exclusion of suspected milk supply from public sale or use, until pasteurized. The exclusion of the milk of an infected cow or cows in small herds is possible when based on bacteriological examination of the milk of each cow, and preferably the milk from each quarter of the udder at frequent intervals.

2. Pasteurization of all milk.

3. Education in the principles of personal hygiene and avoidance of the use of common towel, drinking and eating utensils.

Smallpox—Methods of control.—1. Placard required.

2. Isolation of the infected person on his premises until desquamation is complete.

3. Quarantine of contacts for twenty-one days from date of last exposure or until protected by successful vaccination.

4. Immunization. External inoculation with cowpox virus shall be offered to all contacts.

5. Concurrent disinfection of all discharges, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleaning and airing.

7. General measures. General vaccination in infancy; revaccination of children when entering school and of the entire population when the disease is prevalent. Encouragement of every city passing an ordinance requiring vaccination of school children before they may be permitted to attend school.

Syphilis—Methods of control.—1. No placard, except where patient violates rules and regulations of board of health.

2. Isolation. None.

3. Quarantine. None, except when [patient] refuses [to] abide by instructions of attendant or health officer.

4. Immunization. None.

5. Concurrent disinfection. The patient shall be instructed by his physician in the measures necessary to protect the public.

6. Terminal disinfection. None.

7. General measures. The local health officer shall furnish every physician reporting a case of syphilis with a copy of the written instructions provided by the State department of health, which shall be given by the physician to the infected person. Physicians should be instructed to refer all cases not able to afford the expense of a complete cure to the nearest free venereal-disease clinic, or to county health officer or county physician.

Tetanus—Methods of control.—1. No placard.

2. Isolation. None.

3. Immunization. By antitoxin given early in single or repeated doses.

4. Quarantine. None.

5. Concurrent disinfection. None.

6. Terminal disinfection. None.

7. General measures—

1. Educational propaganda such as "Safe and sane Fourth of July" campaign.

2. Prophylactic use of tetanus antitoxin when wounds have been acquired in regions where the soil is known to be heavily contaminated, and in all cases when wounds are ragged or penetrating.

3. Removal of all foreign matters as early as possible from all wounds.

Trichinosis—Methods of control.—1. No placard.

2. Isolation. None.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection. None.

6. Terminal disinfection. None.

7. General measures. Education of the public in the need for thorough cooking of all pork products at a temperature of 160° F. or over.

Trachoma—Methods of control.—1. No placard.

2. Isolation. Exclusion of the infected person from school as long as the lesions persist.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of the conjunctival discharges, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing, airing, and sunning.

7. General measures.—(a) Search for cases by examination of school children and the families and associates of recognized cases.

(b) Enforcement of regulations prohibiting common towels in public places.

(c) Education of the public in personal cleanliness.

Tuberculosis—Methods of control.—1. No placard.

2. Isolation of such "open" cases as do not properly carry out the laws and regulations.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection of sputum and articles soiled with it. Particular attention should be paid to prompt disposal or disinfection of sputum itself, of handkerchiefs, cloths, or paper soiled therewith, and of eating utensils used by the patient.

6. Terminal disinfection. Thorough cleansing, airing, and sunning.

7. General measures—

(a) Education of the public in regard to the dangers of tuberculosis and the methods of control, with especial stress upon the danger of exposure and infection in early childhood.

(b) Provision, as far as possible, for dispensaries and visiting nurse service for early discovery and proper supervision of home cases.

(c) Hospitalization of advanced cases, as far as possible.

(d) Advocacy of open-air schools and preventoria for pretuberculous children.

(e) Improvement of housing and working conditions by inspection and educational campaigns.

(f) Education of the public in personal cleanliness and in the need for better living conditions.

(g) Prohibition of any person while affected with open tuberculosis from teaching in any college, university, seminary, or in any public, parochial, or other private school; or from being employed as janitor or otherwise in any school building; or in a dairy; or as a cook or otherwise in any hotel, restaurant, hospital, sanatorium, or other institution, where in the performance of his duties he handles, or comes in contact with, food or drink for others. Prohibition of any person affected with open tuberculosis from serving as janitor, sexton, or caretaker, in whole or in part, of any church, hall, lodge or clubrooms, auditorium, or any public building; or any other place used for public assemblies or meetings of any character whatsoever.

Typhoid fever—Methods of control.—1. Placard required.

2. Isolation of the infected person in a screened room, or hospital if nursing care, and adequate sanitary environment can not be secured in the home, during the course of the disease: *Provided, however,* That no person shall be released from isolation until stool and urine specimens have been submitted to an approved laboratory for examination. And in the event that either of the said specimens shall show the presence of typhoid bacilli, the case shall be released from isolation only on such terms and conditions as shall be prescribed by the State health officer as being necessary for the protection of the public. Such terms and conditions shall remain in full force and effect until three successive negative cultures of both the stools and urine of the case have been secured, specimens for said cultures to be taken not less than fifteen days apart.

3. Quarantine. None.

4. Immunization. Vaccination of all susceptibles shall be offered.

5. Concurrent disinfection of the bowel and urinary discharges and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing, airing, and sunning.

7. General Measures. (a) Supervision and control of public milk and water supplies.

(b) Supervision and control of disposal of human excreta.

(c) Search for carriers among exposed persons by examination of stools and urine.

(d) Extension of immunization by vaccination.

(e) Institution of measures for the eradication of flies and instruction of the public in the need of screening places where foods are prepared or eaten.

(f) Prohibition of any person infected with living in or a family where there exists, typhoid fever from engaging in any occupation in connection with a dairy; or with the handling of milk, cream, ice cream, or other food products; or from serving as cook, waiter, or otherwise in any hotel, restaurant, or boarding house; or in any hospital, sanatorium, or other institution where in the performance of his duties he either handles or comes in contact with food or drink for others.

Typhus fever—Methods of control.—1. Placard required.

2. Isolation of the infected person in a vermin-free room during the clinical course of the disease.

3. Quarantine of contacts for twelve days from date of last exposure and until free from lice. When typhus fever is present in a community, persons or premises infested with lice shall be quarantined until thoroughly deloused.

4. Immunization. None.

5. Concurrent disinfection. Destruction of lice and eggs on the body of the patient and in the room occupied by the infected individual.

6. Terminal disinfection. Destruction of all lice and eggs on clothing and in the room occupied by the infected individual.

7. General measures. (a) Eradication of lice on persons and clothing and in premises, during epidemics.

(b) Education of the public in the need for improvement in general living conditions and for the eradication of lice.

Whooping cough—Methods of control.—1. Placard required.

2. Isolation. Separation of the patient from susceptible children, and exclusion of the patient from school and public places, for the period of four weeks from the beginning of acute catarrhal symptoms. Permission of the child to have the freedom of the premises, provided that one sleeve of the outer garment is encircled above the elbow by an orange colored band two inches in width, and provided further that the patient does not come in contact with other children.

3. Quarantine of exposed children for fourteen days from date of last exposure.

4. Immunization. Vaccination of contacts may be offered.

5. Concurrent disinfection of the discharges from the nose and throat, and of articles soiled therewith.

6. Terminal disinfection. Thorough cleansing, airing, and sunning.

7. General measures. 1. Education of the public in personal cleanliness and in the necessity of avoiding association or contact with those showing catarrhal symptoms with cough.

2. Exclusion from school of children with coughs, when the disease is present.

Yellow fever—Methods of control.—1. Placard required.

2. Isolation of the infected individual in a screened room for the first three days.

3. Quarantine. None.

4. Immunization. None.

5. Concurrent disinfection. Destruction of mosquitoes in the room.

6. Terminal disinfection. None.

7. Fumigation, with sulphur or cyanide gas, of the entire premises occupied by the infected person, for the destruction of mosquitoes.

8. General measures. (a) Eradication of mosquitoes by known methods.

(b) Inspection service in time of epidemics for the detection of those ill with the disease.

Ophthalmia Neonatorum—Preventive Treatment. (Reg. Bd. of H., June 18, 1923)

1. It shall be the duty of every practicing or licensed physician in the State of Wyoming, when attending the birth of a child, to introduce or cause to be introduced into the eyes of the newborn infant a solution of 1 or 2 per cent silver nitrate, or 10 per cent argyrol, or a 1 or 2 per cent protargol.

Venereal Diseases—Reports of Cases—Exposure of Others by Infected Person Unlawful—Examination of Suspected Cases—Treatment—Isolation—Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—Prohibited Occupations and Acts—Educational Literature to be Given Patient—Records to be Confidential. (Reg. Bd. of H., June 18, 1923)

1. *Contagious venereal diseases—What constitutes.*—Syphilis, gonorrhea, and chancre, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

2. *Reports by physician.*—Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form or manner as the State board of health may direct.

3. *Examination and treatment of persons suspected of being diseased.*—All county health officers or their authorized deputies within their respective jurisdictions are hereby directed and empowered when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease and to detain such persons until the results of such examination are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment at public expense until cured and also when in their judgment it is necessary to protect the public health to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the suppression of prostitution.

4. *Duties of prison authorities of any State, county, or city prison with reference to venereal diseases.*—All persons who shall be confined or imprisoned in any State, county, or city prison in this State shall be examined bimonthly for and if infected treated for venereal diseases by the health authorities or county physician. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or a hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal diseases and all such persons who are suffering with venereal diseases at the time of the expiration of their terms of imprisonment, and in case no other suitable place for isolation or quarantine is available, such other persons that may be isolated or quarantined under the provisions of the preceding section shall be isolated at public expense until cured, or in lieu of such isolation any of such persons may in the discretion of the board of health be required to report for treatment to a licensed physician or submit to treatment provided at public expense as provided in the preceding section. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of a crime.

5. Each and every person under treatment for venereal disease shall continue treatment until noninfectious according to standards for the discharge of carriers fixed by these rules and regulations. (These standards are given under "General rules.")

6. *Occupations forbidden to persons infected with venereal disease in the infectious stage.*—(a) *Occupations.* No person infected with venereal disease in an infectious stage shall engage in the occupation of nurse, nursemaid, domestic servant, baker, barber, hairdresser, chiropodist, manicurist, bath attendant, soda fountain dispenser, or masseur.

(b) *Food.* No employer shall require or permit any person who is infected with venereal disease in an infectious stage to work in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of foods, baked goods, drugs, or beverages. No person infected with venereal disease in an infectious stage shall be permitted to engage in any occupation in connection with a dairy; or with the handling of milk, cream, ice cream, or other food products; or to serve as cook, waiter, waitress, or otherwise in any hotel, restaurant, or boarding house, or in any hospital, sanatorium, or other institution where in the performance of his duties he either handles or comes in contact with food or drink for others.

(c) *Laundry.* No person infected with venereal disease in an infectious stage shall be permitted to work in any capacity in any public laundry. Proprietors or persons in charge of laundries shall not be permitted to employ in their laundries in any capacity persons known to be infected with venereal disease in the infectious stage.

(d) *Swimming pool.* No person infected with any venereal disease in an infectious stage shall use or be permitted to use any public swimming pool, and copies of this regulation shall be posted in conspicuous places near each pool.

(e) *Universities, colleges, students, and teachers.* Any person infected with venereal disease in an infectious stage is forbidden to attend or teach in any public or parochial school, university, college, or seminary, and local health officers are hereby authorized and directed to put into effect such measures of isolation, segregation, and quarantine as are required for the public health and safety.

7. Should any person afflicted with a venereal disease refuse or discontinue treatment before becoming noninfectious according to the standards prescribed by the Wyoming State board of health it shall be the duty of the physician examining or treating such patient to report the fact of refusal or discontinuance of treatment, together with the name and address of such patient to the health authority to whom cases of venereal disease are required to be reported. Such report shall be made within one week of refusal of treatment or failure of the patient to keep an appointment for treatment: *Provided*, That such report shall not be required if the physician first consulted shall receive within the time appointed for making the report a written statement from another legally qualified physician to the effect that said patient is under his professional care for the same disease.

The physician shall give to each patient under treatment for venereal disease educational literature procurable from the division of venereal diseases and shall designate the case number under which the person is to be reported to the division of venereal diseases.

The physician shall ascertain if the person has been under treatment by another physician, and if so he shall notify the physician previously treating the case of the change in adviser.

8. All reports of cases of venereal disease shall be made in writing within forty-eight hours after diagnosis, on blanks prepared by and obtainable from the Wyoming State Board of Health, and all information called for in said blank shall be furnished in each case.

9. County health officers who receive reports of cases of venereal disease in accordance with the requirements of local regulations shall, within seven days after receiving such reports, make copies for their own records and transmit the originals to the State board of health. All such reports shall be so marked as to show plainly that they have passed through the hands of the local health officer.

10. All reports of venereal disease shall be regarded as confidential, and records of such reports shall not be open to public inspection. It shall be the duty of all health officials and other persons who have charge of or access to such records to make every reasonable effort consistent with the protection of the public health to keep secret the identity of persons affected by venereal disease control measures.

Marriage—Unlawful for Persons Infected with Venereal Disease in Communicable Stage to Marry—Male Applicant for Marriage License Required to Produce Physician's Certificate Showing Freedom from Venereal Disease in Communicable Stage. (Reg. Bd. of H., June 18, 1923)

2. *Marriage of diseased persons.*—It shall be unlawful for any person having syphilis, gonococcus infection or chancroid in an infectious stage, or having syphilis in a stage of said disease whereby the same could be transmitted to the issue of said infected person, to contract marriage or enter the marriage relationship within this State.

3. *Certificate to be secured before marriage.*—That every male person securing a marriage license must produce a certificate dated within ten days before the date of the application for such marriage license from a licensed physician practicing in the State of Wyoming showing applicant to be free from any venereal disease in a communicable stage.

4. *Marriage certificates—How secured.*—Marriage certificates will be executed on the proper blanks furnished by the State board of health and secured by request from the office of the county clerk.

5. *Duties of applicants.*—Applicant shall make affidavit at time of application that he is free from acute or chronic venereal disease in a transmissible form to the best of his knowledge and belief.

6. *Duties of physicians.*—Certificates shall be made out on blanks provided by the State board of health, and where laboratory test of approved laboratories have been made to determine the presence of or freedom of venereal diseases the original certificate of the laboratory shall be attached to and made a part of the physician's certificate, to be filed with the county clerk.

7. *What constitutes proper examination for marriage certificate.*—Physicians are not required to have made any specific laboratory test, but the presumption of the State board of health is that they are required to use commonly accepted methods of medical science to arrive at their conclusions.

(Explanatory note.) Commonly accepted methods of medical science would indicate that no physician could definitely exclude chronic venereal diseases in any applicant for marriage license in the absence of a thorough and comprehensive physical examination with the applicant stripped and supplemented by any indicated laboratory findings.

8. *Duties of county clerk.*—County clerks will file certificates of marriage as permanent records, together with copies of laboratory findings where made, and shall forward to State board of health a monthly report of all marriages contracted in their special counties. Such reports shall include the names of contracting parties, together with a record of exact ages, birthplace, race, and residence; also the name and address of physician issuing certificate, together with laboratory findings if in his possession.

9. County clerks shall not issue certificates of marriage unless physicians, certificates have been made by physicians duly licensed and residing within the State of Wyoming.

10. The board of health shall furnish to clerks and keep up to date the names of the qualified physicians.

Pupils with Serious Mental or Physical Disability—Removal from School. (Ch. 51, Act Feb. 21, 1923)

SECTION 1. Section 1, that [sic] chapter 132, Session Laws of Wyoming, 1921, shall be amended and reenacted to read as follows:

"SEC. 2249. The district board shall have power * * * to remove pupils * * * for mental or physical disability, of so serious a nature as to be detrimental to the welfare of other children in the school, * * *."

State Tuberculosis Hospital—Tax Levy to Pay for Cost of Buildings and Equipment. (Ch. 112, Act Mar. 3, 1923)

SECTION 1. The State board of equalization, at the time of making the annual tax levy for State purposes for the years of 1924 and 1925 shall direct the various boards of county commissioners of the several counties of the State to levy upon all taxable property in their respective counties, a tax of one-eighth of 1 mill on each and every dollar of the assessed valuation of such property, which tax shall be collected and paid to the State treasurer in the manner provided by law for the levying, collecting, and payment of other State taxes. Such taxes when so collected and paid into the State treasury, shall be kept in a separate fund for the Wyoming Tuberculosis Sanatorium and shall be applied to buildings and equipment for said institution. All moneys that may be realized from taxes so levied are hereby appropriated and made available for the purpose of paying for the construction of buildings and the purchase of equipment for said buildings, and such moneys shall be expended under the authority and direction of the State board of charities and reform.

State Board of Health—Compensation of Secretary and Other Members. (Ch. 33, Act Feb. 20, 1923)

SECTION 1. That section 2, chapter 160, Session Laws of Wyoming, 1921, be amended and reenacted to read as follows:

"SEC. 2. Each member of the State board of health except the secretary shall receive the sum of \$10 per day for each day's attendance in connection with the meetings of the board and his necessary traveling expenses evidenced by receipted vouchers to be filed with his account: *Provided*, That this section shall apply to all members of the board excepting the member appointed full-time health officer who shall receive a stated salary of \$4,000 per annum, payable in monthly installments, and in addition thereto shall receive his actual and necessary traveling expenses evidenced by receipted vouchers to be filed with his account."

Waters—Prevention of Pollution of—Abatement of Conditions Causing Pollution of. (Ch. 92, Act Mar. 3, 1923)

SECTION 1. *Board of health to supervise water supply.*—That the State board of health shall have the general oversight and care of all inland waters and of all streams, lakes, and ponds used by any city, town, or public institution or by any water or ice company in this State as sources of water supply for domestic use, and of all springs, streams, and watercourses tributary thereto, with respect to their condition and use as affecting the public health. It shall be provided with maps, plans and documents suitable for such purposes, and shall keep records of all its transactions relative thereto.

SEC. 2. *Examination of waters.*—That said State board of health may cause examination of waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the health of the public or persons lawfully using them. It may make rules and regulations to prevent pollution and to secure the sanitary protection of all such waters as are used for domestic purposes.

SEC. 3. *Publication of notice.*—That the publication for not less than once each week for two successive weeks of an order, rule or regulation made by the State board of health under the provisions of this act in a newspaper of the city or town in which such order, rule or regulation is to take effect, or, if no newspaper is published in such city or town, the posting of at least three copies of such order, rule or regulation in public places in such city or town shall be legal notice to all persons in such city or town and an affidavit of such publication or posting by the person causing such notice to be published or posted, filed, and recorded, with a copy of the notice, in the office of the clerk of such city or town shall be admitted as evidence of the time at which, and the place and manner in which, the notice was given.

SEC. 4. *Cooperation with city and town authorities.*—That said board shall consult with and advise the authorities of cities and towns and persons having or about to have systems of water supply, drainage, and sewerage as to the most appropriate source of water supply and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other cities, towns, or persons which may be affected thereby. It shall also consult with and advise all corporations, companies, or persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water as to the best method of preventing such pollution, and it may conduct experiments to determine the best methods of the purification or disposal of drainage or sewage. Cities, towns and all other corporations, companies, or persons shall submit to said board for its advice and approval their proposed system of water supply or of the disposal of drainage or sewage, and no city, town or persons or company shall proceed to build or install or enlarge or extend any system of water supply, drainage or sewage disposal, without first obtaining the approval of the State board of health. In this section the term "drainage" means rainfall, surface and subsoil water only, and "sewage" means domestic and industrial filth and waste.

SEC. 5. *Sewage.*—That no sewage, drainage, refuse, or polluting matter, of such kind and amount as either of itself or in connection with other matter will corrupt, pollute or impair the quality of the water of any spring, pond, lake, or stream used as a source of water or ice supply by a city, town, or public institution, or family or person, or water or ice company for domestic use, or render it injurious to health, and no human excrement shall be discharged into any such stream, spring, lake, pond, or upon their banks or into any feeders of such spring, lake, pond, or stream, unless such sewage, drainage, refuse, or polluting water shall have been purified so as to render it harmless in such a manner and under such conditions and restrictions as the State board of health may direct: *Provided*, That no city or town shall be prohibited or enjoined from discharging its sewage into a river or body of water unless such sewage so pollutes the water thereof as to be dangerous or injurious to public health.

SEC. 6. *Pollution by industrial plants.*—That no municipal or other public or private corporation and no company or person shall hereafter construct, build, establish, or operate any railroad, logging road, logging camp, electric plant, manufacturing or industrial plant of any kind upon or over any watershed of any public water supply system, unless such corporation, company, or person shall protect said water supply from pollution by such sanitary precautions as shall be approved by the State board of health, and any such corporation, company, or person intending to construct, build or establish or operate any railroad, logging road, logging camp, electric plant, manufacturing or industrial plant of any kind upon the watershed of any public water supply system, shall furnish the State board of health with detailed plans and specifications of the sanitary precautions to be taken, which must be approved by said board.

SEC. 7. *Complaint relative to pollution.*—That upon complaint to the State board of health or the mayor or health officer of any city or town or the managing board or officer of any public institution or the president of an ice company stating that manure, excrement, garbage, sewage or any other matter which pollutes or tends to pollute the water of any lake, pond, spring, stream or watercourse used by such city or town, public institution or company as a source of water supply, the said board shall cause a thorough investigation to be made of such alleged nuisance or pollution, and if, in its judgment, the public health so requires, shall by order served upon the party causing or permitting such pollution, prohibit the continuance of such pollution and shall order him to remove any such cause of pollution.

SEC. 8. *Right of representatives of board to enter buildings.*—That the agents and servants of said board may enter any building, structure, or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exist, and whether the rules, regulations, and orders aforesaid are obeyed. Search warrants for such purpose may be issued by any court or justice of the peace within the county upon complaint made and probable cause shown.

SEC. 9. *Appeal from decision of board.*—That whoever is aggrieved by any order of the State board of health passed under the provisions of this act may appeal therefrom to the district court of the county in which such order shall be effective. But such notice as the court shall order shall also be given to the mayor of the city or town or president of the water company or any other person

¹ This section does not read correctly, but is printed here as it appears in the session laws.

interested in such order. While the appeal is pending the orders of the State board of health shall be complied with unless suspended by the State board of health or by the court.

SEC. 10. *Authority of court.*—That the district court of any county of the State shall have jurisdiction in equity upon the application of the State board of health, or any person interested, to enforce its orders or the orders, rules, and regulations of said board of health, and to restrain the use or occupation of the premises or such portion thereof as said court may specify, on which such material is deposited or kept, or such other cause of pollution exists, until the orders, rules, and regulations of said board have been complied with.

SEC. 11. *Report of board of health.*—That the State board of health shall biennially make a report to the legislature, through the governor, of its doings for the preceding period, recommend measures for the prevention of the pollution of such waters and for the removal of polluting substances in order to protect and develop the rights and property of the State and municipalities therein and to protect the public health, and recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, lakes, springs, and inland waters of the State. It shall also give notice to the attorney general of any violation of law relative to the pollution of water supplies and inland waters.

SEC. 12. *Violation; penalty.*—That whoever violates any of the provisions of this act, or any rule, regulation or order of the State board of health made under the provisions of this act, shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Common Drinking Cups—Prohibited in Public Places. (Reg. Bd. of H., June 18, 1923)

SEC. 1. The term "common drinking cup" as used in these regulations shall be construed to mean any vessel or utensil used for conveying water to the mouth and available for common use by the public.

SEC. 2. It shall be unlawful to provide a common drinking cup—

(a) In any public park, street, or way.

(b) In any building or premises used as a public institution, school, hotel, lodging house, restaurant, theater, or public hall, or in any part of any factory, workshop, office building, market, or store of any kind, which part is open to the general public.

(c) In any railroad station or railroad car.

Common Towels—Prohibited in Public Places. (Reg. Bd. of H., June 18, 1923)

SECTION 1. The term "common towel" as used in these regulations shall be construed to mean a roller towel or any towel which is or may be used by more than one person without being thoroughly laundered after each individual use.

SEC. 2. It shall be unlawful to provide a common towel—

(a) In any building or premises used as a public institution, school, hotel, lodging house, restaurant, theater, or public hall, or in any part of any factory, workshop, office building, market, or store of any kind, which part is open to the general public.

(b) In any railroad station or railroad car.

Standard Railway Sanitary Code. (Reg. Bd. of H., June 18, 1923)

[The State Board of Health of Wyoming on June 18, 1923, adopted as regulations portions of the standard railway sanitary code. This code in its entirety is published by the Public Health Service as Supplement No. 46.]

Washhouses at Coal Mines—Establishment and Maintenance—Sanitary Requirements. (Ch. 63, Act Feb. 24, 1923)

SECTION 1. *Bathhouses; lockers; specifications.*—It shall be the duty of every owner, or lessee, its officers or agents, or other person or persons having jurisdiction or direction of any coal mine, employing twenty or more miners who will use the bathhouse, within the State of Wyoming, to provide a suitable building, which shall be convenient to the principal entrance of such mine or mines, and equipped with individual lockers and hangers, benches or seats,

proper lights, heat, hot and cold water, and shower baths, and maintain same in good order, for the use of persons employed therein, for the purpose of washing and bathing of employees and changing clothing. Said building or bathhouse to have sufficient floor space for the accommodation of miners or others using the same. The flooring in said wash room or bathroom to be of concrete or cement and the flooring in the changing room to be optional with the owner as to the material used. All lockers in new bathhouses when made of steel shall not be less than 12 inches by 12 inches by 48 inches in height; when made of lumber shall not be less than 12 inches by 22 inches by 48 inches in height; with partitions in centers of wood lockers. Individual hangers shall consist of not less than three hooks upon which to hang clothing and a receptacle of suitable size for use in connection therewith, attached to a proper chain or wire rope, and so suspended as to admit of hanger being raised such height that the wearing apparel, when hung thereon, will not be less than 7 feet above the floor of said building, and of being locked in that position. The lockers or hangers in each bathhouse shall be sufficient in number to accommodate the employees using the same, and there shall be one shower bath for every fifteen employees using the same. Said employees shall furnish their own towels and soap, and lock for their lockers or hanger, exercise control over and be responsible for the property by them left therein. The individual owner, operator, lessee, agent, or company or corporation shall keep said bathhouse in a clean and sanitary condition: *Provided*, All bathhouses built at underground mines sunk after the passage of this act shall be built of concrete blocks, cement, brick, stone or other noncombustible material. The floors shall be of concrete or cement. The lockers shall be made of steel, not less than 12 by 12 inches, by 48 inches in height.

SEC. 2. Request by employees; charge.—No mine owner or lessee of a mine shall be required to install or maintain a bathhouse under the provisions of this act unless 60 per cent of the employees of such mine make written request therefor; and any mine owner or lessee of a mine maintaining such a bathhouse shall be entitled to charge a reasonable monthly fee, not exceeding \$1 a month, to each employee for the privilege of using such bathhouse: *Provided, however*, That the fees so charged shall not yield a profit to the owner or lessee maintaining such bathhouse: *Provided further*, That this act shall not apply to coal mines which are to be abandoned before January 1, 1925.

SEC. 3. Violation; penalty.—Any owner or lessee, its officers or agents, or other person or persons failing or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction, be fined the sum of not less than \$50 nor more than \$100 for each violation of the provisions of this act. And each day there is a failure to comply with the provisions of this act shall be a separate offense and punished as such. The State inspectors of coal mines shall have general supervision of this law and the enforcement of the same, in their respective districts, and it shall be optional with said inspectors of mines to waive the provisions of this act as to all bathhouses that have been constructed prior to the taking effect of this act, but said inspectors of mines are hereby given authority to require such bathhouses already in existence to be changed or improved as in their judgment may be necessary.

SEC. 4. Duty of employees.—It shall be the duty of all persons using said bathhouses to remove therefrom all cast-off clothing or wearing apparel. It shall be unlawful for any person to in anywise break, injure, or destroy any bathhouse or any part thereof, or commit any nuisance therein: *Provided*, The provisions of this act does [sic] not apply to mines to which water for household or drinking purposes is being hauled thereto in railroad cars.

SEC. 5. Violation by employees; penalty.—Any person found guilty of any violation of section 4 of this act shall, upon conviction, be fined not less than \$5 nor more than \$10, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court.

SEC. 6. This act shall take effect and be in force from and after September 1, 1923.

UNITED STATES

Filled Milk—Shipment in Interstate or Foreign Commerce Prohibited—Manufacture Within any Territory or Possession or the District of Columbia Prohibited. (Act of Congress, Mar. 4, 1923)

That whenever used in this act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream: *Provided*, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

Sec. 2. It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory, or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

Sec. 3. Any person violating any provision of this act shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both; except that no penalty shall be enforced for any such violation, occurring within thirty days after this act becomes law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

Butter—Definition. (Act of Congress, Mar. 4, 1923)

That for the purposes of the food and drug act of June 30, 1906 (Thirty-fourth Statutes at Large, p. 768), "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per cent by weight of milk fat, all tolerances having been allowed for.

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